

**THE U.N. AND THE SEX SLAVE TRADE IN BOSNIA:  
ISOLATED CASE OR LARGER PROBLEM IN THE  
U.N. SYSTEM?**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

APRIL 24, 2002

**Serial No. 107-85**

Printed for the use of the Committee on International Relations



Available via the World Wide Web: [http://www.house.gov/international\\_relations](http://www.house.gov/international_relations)

U.S. GOVERNMENT PRINTING OFFICE

78-948PDF

WASHINGTON : 2002

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## **THE U.N. AND THE SEX SLAVE TRADE IN BOSNIA: ISOLATED CASE OR LARGER PROBLEM IN THE U.N. SYSTEM?**

**WEDNESDAY, APRIL 24, 2002**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL  
OPERATIONS AND HUMAN RIGHTS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 2:20 p.m. in Room 2172, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen presiding.

Ms. ROS-LEHTINEN. The Subcommittee will come to order.

"To serve and protect." When we hear these words, we are immediately reminded of the ever-present commitment of police officers to the citizenry of their precinct, their state, their country.

When evaluated within the context of a United Nations mission, the role of the policing force is to restore civility to war-torn regions; to restore trust in the rule of law and law enforcement officers; to afford human beings who have been victimized a sense of security to rebuild their lives. When this trust is broken, as it was in Bosnia, it begins to erode the foundation on which the future of those emerging nations will be built. Indeed, we cannot let the actions of a few taint the image and discredit the work of thousands of others from multiple countries whose commitment to what is right and just has helped restore hope to Bosnia and other places.

As a 21-year-old university student in Sarajevo, Nezira Samardzic, has said,

"I cannot imagine peace without them. I am afraid that talk about only the bad side might prompt somebody to think the U.N. mission in Bosnia should be terminated,"

or as some U.N. officials have underscored, that it would generate further opposition to broader peacekeeping efforts in other regions.

I certainly do not support engaging in vast generalizations and broad indictments. Nevertheless, when such egregious human rights violations are being committed, when women and girls are being sold as chattel to then be used as sex slaves, even if it is just one victim we must stand up and defend them. We must condemn the traffickers and all who actively, or by omission or complacency, allow these deplorable acts to go unpunished.

As the Subcommittee on International Operations and Human Rights, it is this body's moral obligation to investigate the allegations raised against DynCorp by a courageous American, Mr. Ben

Johnston, and ensure that DynCorp, a major U.S. government contractor, is taking the necessary steps and implementing strict safeguards to ensure that what happened in the Balkans with DynCorp employees does not ever happen again anywhere. We, too, are here to protect and serve.

It is this Subcommittee's responsibility to exert oversight over the functions of the U.N. bodies and operations and address reports that U.N. officials sought to stymie investigations and cover up the involvement of the International Police Task Force in trafficking of human beings. As David Lamb, one of our witnesses today, has repeatedly stated, he and his colleagues routinely forwarded evidence of wrongdoing to the U.N. missions internal affairs unit, only to be told

"not to look too deep. It was just incredible to see the resistance we got. . . . I was trying to root out the corruption, but I could not get any support."

U.N. officials during a recent briefing asserted that allegations of sex trafficking by the international policing force in Bosnia were found to be false. However, in the same statement they admitted that members of the force were found to have been involved in the use of young girls' services and that sometimes the children were unwilling participants. As advocates for Human Rights Watch have said regarding the situation in Bosnia,

"Rape is a crime in any jurisdiction."

As Members of the U.S. Congress, we would also be neglecting our duties if we did not address the participation of U.S. nationals in such activities and the response from our government agencies. One would hope that we would not need to tell American contractors that they cannot buy and sell women. Unfortunately, it appears that we must do a better job of sending an unequivocal message that this behavior will not be tolerated.

The U.S. has intensified its efforts to combat trafficking, internationally and domestically, through the establishment of an office to eradicate trafficking in persons, as mandated by Congress in the Trafficking Victims Protection Act and the appointment of Ambassador Nancy Ely-Raphel as Director of that office. Madame Ambassador, we thank you for being here today.

As a direct result of the DynCorp case and the broader problems of U.N. police involved in sex trafficking, the U.S. has tightened the screening process for participants in the international police program to include more thorough background checks and psychological screening. The 5- to 10-day training program includes specific briefings by State Department personnel on U.S. policies relating to sex trafficking. Recruits for the international police program are briefed on the "no tolerance policy" relating to sexual misconduct, whereby any participant would be immediately terminated from the program if involved in any sexual misconduct or fails to report any knowledge of such conduct by others.

In looking at the response to a survey that reported widespread sexual exploitation of refugee and internally displaced children in Sierra Leone and Mano River countries in Africa, it would seem that, at least, some lessons have been learned.

The U.S. has asked the UNHCR, as a key humanitarian relief coordinating agency of the U.N. system, to take immediate steps to protect any minors and other victims of sexual exploitation and to prevent further abuses of any such persons both in West Africa and elsewhere; to initiate systemic changes to policy and policy-implementation activities to ensure that both it and its employees and all UNHCR-affiliated program implementation organizations are held accountable for such abuses, both in the present case and potential future ones, both in the region and worldwide; for an accounting of whether organizational or policy failures could have allowed the alleged abuses to occur and continue undetected for a significant period; and for the formulation and immediate implementation of policies to prevent and sanction any such abuses.

From the standpoint of the U.N., investigators from the U.N. Office of Internal Oversight Service [OIOS] are undertaking a field investigation in each of the named countries. The inquiry is reportedly attempting to validate the allegations made in the UNHCR/Save the Children survey. The High Commissioner for Refugees has created an internal task force that has been meeting regularly to review and strengthen the process by which his office responds to reported incidents of misuse of authority or positions of power by UNHCR staff and to prevent such abuses in the future.

UNHCR field offices in the Mano River countries have implemented immediate remedial measures, including the reaffirmation to all staff in the region that a zero tolerance policy for such abuses exists. Earlier this year, the assistant high commissioner for refugees traveled to the Mano River region to discuss the report with NGOs and other implementing agencies and to explore potential approaches to addressing issues raised by the report. He also spoke with refugees to hear their perspective and briefed UNHCR's executive committee members upon his return from the region.

The UNHCR has also initiated a dialogue process with donor countries and NGOs focusing on these critical issues and developing appropriate policy responses, both in the present cases and in future incidents should they occur. It is expected that the abuse allegations and likely policy responses are likely to be addressed during the upcoming meeting of the U.N. Economic and Social Council.

The Subcommittee invited Save the Children and other NGOs to testify on the situation in West Africa, but they were unavailable. However, Ambassador Raphel will also address this case in her remarks and during the question and answer period, as well as reference global trends and developments in the practice of sex trafficking, which will appear in the upcoming trafficking report issued by the State Department.

Before I conclude my opening remarks, I would like to highlight recent articles and reports explaining how Israel is addressing the trafficking problem head on in a positive, proactive way, which I will insert into the record without objection. I congratulate Israel for its approach to this problem.

Thus, these documents will address some of the issues to be discussed. I thank all of you for being here today to address the issues of the U.N. and sex trafficking, and I will ask to be inserted into the record a document that was handed to us by the United Na-

tions Information Center, a letter to Congresswoman McKinney and myself, to be inserted into the record. It outlines actions taken by the U.N. mission in Bosnia to address the issue that we are discussing here today.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRWOMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

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- to take immediate steps to protect any minors and other victims of sexual exploitation, and to prevent further abuses of any such persons both in West Africa and elsewhere.
- to initiate systemic changes to policy and policy implementation activities to ensure that both it and its employees, and all UNHCR-affiliated program implementation organizations, are held accountable for such abuses, both in the present case and potential future ones, both in the region and worldwide.
- for an accounting of whether organizational or policy failures could have allowed the alleged abuses to occur and to continue undetected for a significant period
- for the formulation and immediate implementation of policies to prevent and sanction any such abuses

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The inquiry is reportedly attempting to validate the allegations made in the UNHCR/Save the Children survey.

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Before I conclude my opening remarks, I would like to highlight recent articles and reports explaining how Israel is addressing the trafficking problem head on, which I will insert into the record. Although beyond the specific scope of this hearing, the issue of trafficking in Israel will be raised by one of our witnesses on the second panel. Thus, these documents address some of the issues to be discussed.

I thank you all for being here today to address the issue of the U.N. and sex trafficking.

Ms. ROS-LEHTINEN. We have 6 minutes left. I do not know what you would like to do, Ms. McKinney.

Ms. MCKINNEY. Which probably means that we have about 3 minutes if we can make it over there in 3 minutes.

Ms. ROS-LEHTINEN. Okay. So I will turn it over to you. You can do your thing, and I will go vote.

Ms. MCKINNEY. Okay. Great.

Ms. ROS-LEHTINEN. Thank you, Congresswoman.

Ms. MCKINNEY [presiding]. Thank you, Madam Chair, for convening this hearing on sex trafficking. Sex trafficking, wherever it occurs, is abhorrent. Sex trafficking, wherever it occurs, is a concern of the men and women of this Subcommittee, of the full Committee, and of this Congress. I would like to commend Congressman Smith, who has taken a lead on this issue and all other human rights issues, too many of which remain overlooked.

Trafficking, particularly sex trafficking and sexual slavery, has become a global scourge that until recently has received scant or no attention from our policymakers. So it is appropriate that this Subcommittee should convene this hearing on this subject.

Who would have thought that in the year 2002, almost 200 years after Denmark became the first of the world's nations to outlaw slavery, we would still be here fighting the hideous practices of buying, selling, and trafficking of human beings. Probably no one group in this country understands the horror and cruelty involved in these practices than the grandsons and granddaughters of African slaves. Even today, for the inheritors of slavery's legacy, the African-American community, justice has come slowly, and the economic, social, and psychological wounds of history still have not healed. One hundred and thirty-nine years after the formal abolition of the American slave trade African-Americans are still waiting to collect on the "bad check" that Dr. King talked about on the steps of the Lincoln Memorial almost four decades ago.

Eight generations of African-Americans are still waiting to achieve their rights, compensation, and restitution for the hundreds of years during which we were bought and sold on the market. Let me add that the fight against sexual exploitation and sex-based tyranny, a fight that is as old as history itself, has particular meaning. To be denied one's freedom, to be stripped of one's human value, and instead assigned a market price; these are no minor things. They strike at the very heart of what it means to be free and human.

International human rights activists have for years been alerting us to the ongoing brutality of human exploitation. Finally, 2 years ago, we began to listen. The passage of the Victims of Trafficking and Violence Protection Act was a great success for victims of trafficking, exploitation, and slavery everywhere. The State Department's Trafficking in Persons Report, issued last year for the first time, has been a welcome addition to the discourse on the practices of buying and selling human beings. The report rightly calls these abominable practices "a modern-day form of slavery which has persisted into the twenty-first century." The State Department's report helps us to understand that while modern-day human trafficking may have taken on more sophisticated and often even subtle forms, the pain, horror, and exploitation can be very much the same as it was hundreds of years ago.

The State Department report also plays another very key role. It allows for the debate on the practice of buying, selling, trading, trafficking in human beings to be elevated to a level that goes beyond petty political and ideological concerns. So while it may be popular in some political circles to single out certain nations, races, or religions for selective moral scrutiny, we know now that the realities are far more complex and disquieting. Because among the "rogue nations" and "dictatorships" of the third-tier countries—countries the State Department views as the world's most egregious traffickers in human beings—countries like Burma, Sudan, and Yugoslavia, are those nations that in addition to being strong U.S. allies are also considered to be thriving democracies. Yet there is little or no outrage from the usual circles, either inside or outside the Congress.

The authors of the State Department report should be commended for providing us with an honest and straightforward assessment of these horrible, despicable practices no matter where they occur. We might have thought or wished that such practices had been relegated to the past. It might have been easier to bury our heads in the sand. For years we did that, but the lessons of history are still fresh on our minds, and we know that we cannot afford to look the other way. Someone once said that the most important thing we can learn from history is that we never learn from history. I hope this time we will prove them wrong.

I would like to thank our witnesses for being here, and I look forward to hearing from you. With that, I will recess the Subcommittee until we all vote and return. Thank you.

[Whereupon, at 2:35 p.m., a recess was taken.]

Ms. ROS-LEHTINEN. Thank you. The Subcommittee is now back in order. I will turn to Mr. Smith for his opening statement.

Mr. SMITH. Madam Chair, thank you very much. Thank you for convening this very, very important and timely hearing, and I want to thank our very distinguished witnesses. Madam Ambassador, thank you for your leadership and for being here today. I look forward to your testimony and that of your colleagues.

For the past several years, I have worked along with you and some of the other Members of our Committee, to address the egregious trafficking in human beings in the United States and worldwide. These efforts led to the passage, as I think you know, of the Trafficking Victims Protection Act.

Through the Helsinki Commission, I have been particularly engaged in this issue as it exists in the European region. I have read internal investigations, reports by the U.N. which contain damaging allegations about police monitors in Bosnia and their dishonorable activities vis-a-vis trafficked women, including the exploitation of women by police monitors and efforts to thwart any investigations in these activities. At least a half dozen police monitors have been repatriated from Bosnia due to involvement with trafficking. Nonetheless, just last month, the head of the U.N. mission in Bosnia dismissed the reports of such links as "unfounded rumors."

I am pleased that the Subcommittee is holding this important hearing today, and I look forward to hearing the testimony regarding the extent of these problems in Bosnia and potentially other

areas of U.N. engagement. I am also deeply concerned that American and other countries' police officers, such as Romania's, who have allegedly been involved in trafficking have not been held accountable beyond mere repatriation. I hope this hearing will lead to a change in that policy. The United States must seek to hold the U.N. accountable for what happens in the field under the United Nations' watch, but we must also lead by example, holding American police monitors accountable for involvement in trafficking is certainly an essential element. I hope to hear from our witnesses today what can be done to prevent further instances of international personnel's involvement in trafficking and, furthermore, whether there has been a coverup at high levels within the United Nations that our government should also be addressing. Again, I want to thank you for this hearing and look forward to our witnesses. Along with the Chairwoman of this Committee, I apologize that a series of votes kept you waiting here in the room. We do apologize for that.

Ms. ROS-LEHTINEN. Thank you so much. And today we are joined by Ambassador Nancy Ely-Raphel, the Director for the Office to Monitor and Combat Trafficking in Persons at the State Department. As an expert in Eastern and Central Europe, as well as Africa and the former Soviet Union, it makes perfect sense that she head up this newly created office at State. Under the Clinton Administration, she first served as the coordinator for Bosnia, working on the implementation of the Dayton Peace Accords and then as Ambassador to Slovenia. She is accompanied today by William Embry, the Director of the Office on Peacekeeping and Humanitarian Operations under the International Organizations Bureau; and Bob Gifford from the Civil Police Unit in the Bureau of International Narcotics and Law Enforcement.

Thank you very much for coming and being with us today. We will be glad to insert your full statement into the record. Thank you. Madam Ambassador.

**STATEMENT OF THE HONORABLE NANCY ELY-RAPHEL, DIRECTOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE**

Ms. ELY-RAPHEL. Thank you, Madam Chairman. It is a privilege for me to appear today before the Subcommittee on International Operations and Human Rights. The question that concerns us today is the extent to which United Nations peacekeepers, relief workers, police forces, or those with the U.N. or other relief agencies might be involved in trafficking in persons or sexual misconduct and, if they are involved, whether it is the result of a systemic problem in the U.N. system. Our message today is one of zero tolerance.

I am pleased to have the opportunity to speak on this topic, which has received substantial play in the media over the last several months. The press attention has brought to the forefront the problem of trafficking, which has received far too little attention in the past. Building an awareness of the problem is undoubtedly one of the first steps we must take in trying to combat it.

The State Department has initiated a zero tolerance policy with respect to immoral, unethical, and illegal behavior. This includes

involvement in trafficking or in prostitution. All U.S. police personnel are briefed by the International Narcotics and Law Enforcement Affairs Bureau prior to their departure. Specifically, involvement in such activities will result in immediate termination of an officer's contract. Failure on the part of U.S. CIVPOL officers to report such activity is considered just as seriously and will result in termination. When an officer is terminated for cause, he or she must pay their own air fare home, lose their completion bonus, and not be eligible to participate in any future missions.

Starting last year, the Office to Monitor and Combat Trafficking in Persons began to participate in predeployment briefings for U.S. police personnel. The Balkan wars, which dominated the region over the last decade, and the rampant organized crime and corruption which flourished in the absence of a functioning rule-of-law structure has enabled traffickers to work largely undeterred by law enforcement and the judiciary. Due to the severe conflicts which dominated reporting on the region much of the last decade, trafficking in Eastern European women to and through the Balkans has been a largely unpublicized tragedy that attracted little public awareness in the United States, apart from those groups devoted to their relief.

I believe that educating American police officers assigned abroad or, indeed, the American public about all aspects of the trafficking problem is a simple but fundamental step in banishing ignorance, indifference, or even apathy and instilling the fullest possible recognition of the gravity of the problem. Our briefings raise awareness of the problem, which many of our police may not have previously encountered in their law enforcement careers. The Bureau of Democracy, Human Rights and Labor also participates in these briefings and provides information on international human rights standards and norms as well as the impact of trafficking in persons.

Upon conclusion of these briefings, all CIVPOL candidates sign a DynCorp letter of agreement stating that they understand what trafficking is, pledge not to engage in trafficking, and know they will be dismissed if they violate the agreement. The briefing procedure has been in place for a year, and we are not aware of any incidents that have brought complaints of such activity against U.S. CIVPOL who have been deployed since then.

There were, however, several instances of sexual misconduct among officers who deployed prior to the institution of these trafficking briefings. When these instances occurred, the Bureau for International Narcotics and Law Enforcement Affairs followed through with its zero tolerance policy, and the individuals were terminated. The bureau also referred several cases of serious misconduct by U.S. CIVPOL officers to the Justice Department for possible prosecution.

Further work in the area of prosecution is needed. To date, on American civilian police officer has been prosecuted due to lack of jurisdiction of U.S. courts. The Criminal Division at the Department of Justice and the State Department are looking closely at how to resolve this problem. While I would refer you to the Justice Department for details, I understand that the Criminal Division is currently drafting a proposed amendment to the Military Extra-

territorial Jurisdiction Act, [MEJA], of 2000 that would extend Federal jurisdiction to include all U.S. government employees and contractors who work in a law enforcement capacity abroad. This would enable the Justice Department to prosecute any criminal offenders identified among the U.S. civilian police cadres serving abroad.

The misconduct of the few rather than the honorable work of the many has obviously raised concern about the integrity of the system. It is important to remember that the vast majority of our officers are performing with distinction. At considerable risk to their lives, they have helped restore peace and the rule of law to societies torn apart by violence and to victims left helpless in the aftermath.

In the United Nations, several U.N. organizations monitor and investigate misconduct by civilian police officers serving abroad. They include the Office of Internal Oversight Services at U.N. headquarters in New York and internal affairs investigative units within the separate Civilian Police missions.

Their mandate is, in fact, broader: to prevent and detect waste, misconduct, abuse, and mismanagement in the operations of the U.N. If evidence gleaned from their investigations of a CIVPOL officers or any other U.N. employee shows that someone has violated laws or standards of ethical conduct or has been responsible for misconduct, waste, abuse, or mismanagement, they make recommendations to the concerned program managers, which may include consideration of referral to a national jurisdiction for criminal prosecution.

The penalty for violating the law or a U.N. rule or regulation depends upon the severity of the violation. A CIVPOL officer may be reprimanded or repatriated and discharged. Any criminal prosecution is usually the responsibility of the accused officer's own country. In some cases the U.N. has waived the accused officer's immunity and enabled the host country where the criminal act was committed to bring criminal charges.

The U.N. Office of Internal Oversight is presently conducting an investigation of serious charges of sexual exploitation of refugees and displaced children in West Africa that were made during a survey conducted jointly last autumn by the U.N. High Commissioner for Refugees and the Save the Children Fund. The assessment mission looked at the issue of sexual exploitation of children in the broadest sense. The team collected some specific allegations against individual local employees of relief agencies.

The survey, made public in February, was conducted in Guinea, Sierra Leone, and Liberia, where 1,500 people were interviewed. Sixty-seven local employees of 42 U.N., nongovernmental and host agencies were accused of using their positions to elicit sexual favors from children, primarily adolescent girls. Food, assistance allotments, and other refugee benefits were alleged to have been withheld as bribes for sexual favors. Peacekeepers in Sierra Leone were similarly accused. The survey indicated that UNHCR and NGO local hires rather than international staff were involved.

The Office of Internal Oversight's investigation continues. Teams have visited both Guinea and Sierra Leone and conducted extensive followup interviews. The team reported its findings and allega-

tions to senior UNHCR officials, who immediately involved the U.N.'s investigative services. I understand there will be an investigation in Liberia when security conditions permit.

Following the February release of the UNHCR report, the State Department and the Agency for International Development immediately responded, insisting that the U.N. High Commissioner for Refugees hold a public briefing to declare its findings and immediately suspend those accused pending a thorough investigation. The briefing was held in Geneva on March 1st. We demanded that UNHCR take immediate measures to make structural changes to protect refugee victims and prevent any further abuse of children in West Africa or anywhere else in the world. Such changes should include an enforceable code of conduct, better training, better management oversight by all agencies, and a thorough review of staff and programs. We will follow through to ensure this happens.

The U.N. Mission in Sierra Leone now requires all newly arrived peacekeepers to take a sensitization program which includes briefings on appropriate sexual conduct by UNHCR and UNAMSIL's human rights office. Official policy is to expel any peacekeeper found to be involved in such activity, fully informing the sending government of the reason, with a recommendation for disciplinary action. Following the release of the UNHRC Save the Children Report, UNAMSIL instructed all field commanders to remind troops of this code of conduct.

We repeatedly have made clear to both U.N. headquarters and to individual peacekeeping and relief missions that we expect all allegations of misconduct by U.N. personnel, particularly involvement in trafficking in women and children, to be thoroughly investigated and full and appropriate disciplinary action taken. We take allegations and reports of abuse of authority and trafficking by individuals assigned to the U.N. missions around the world very seriously. Even one substantiated claim of peacekeepers' and relief workers' involvement in such activities is one too many. This kind of behavior contradicts the principles on which the United Nations was created.

The identification of those individuals who abuse their positions of trust to take personal or criminal advantage of those entrusted to their care is a continuing struggle. Thus, we must continue to insist on stringent and exacting safeguards against such abuses, as well as swift and effective corrective action whenever such abuse is uncovered.

This hearing is about trafficking and the U.N., but because Israel may come up, I would like to say for the record the government of Israel has undertaken initiatives to eradicate trafficking. These initiatives include legislative amendments to improve the treatment of trafficking victims and to provide tools for law enforcement to successfully investigate and arrest traffickers, training for police and prosecutors, improved cooperation with nongovernmental organizations, and signing relevant international conventions. In recent meetings, Israel provided data supporting increased efforts to combat trafficking. It appears that all branches of the Israeli government are actively involved in the battle against trafficking in persons and are striving toward increased interagency cooperation.

I would like to close where I began, and that is with our message that we have a policy of zero tolerance. Trafficking of persons is a serious human rights violation that we are working hard and dedicating resources to fight. We hope to continue to work with this Subcommittee toward this important goal. Thank you for holding this hearing, which provides us with a public forum to emphasize our zero tolerance policy.

[The prepared statement of Ms. Ely-Raphel follows:]

PREPARED STATEMENT OF THE HONORABLE NANCY ELY-RAPHEL, DIRECTOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE

It is a privilege for me to appear before the Subcommittee on International Operations and Human Rights. First I would like to introduce Robert Gifford of the Bureau for International Narcotics and Law Enforcement Affairs and William Imbrie of the Bureau of International Organizations. The question that concerns us today is the extent to which United Nations (UN) peacekeepers, relief workers, police forces or those with UN or other relief agencies might be involved in trafficking in persons or sexual misconduct and, if they are involved, whether it is the result of a systematic problem in the UN system. Our message today is one of zero tolerance.

I am pleased to have the opportunity to speak on this topic, which has received substantial play in the media over the last several months. The press attention has brought to the forefront the problem of trafficking, which has received far too little attention in the past. Building an awareness of the problem is undoubtedly one of the first steps we must take in trying to combat it.

The State Department has initiated a zero tolerance policy with respect to immoral, unethical and illegal behavior. This includes involvement in trafficking or in prostitution. All U.S. police personnel are briefed by the International Narcotics and Law Enforcement Affairs Bureau prior to their departure. Specifically, involvement in such activities will result in immediate termination of an officer's contract. Failure on the part of U.S. CIVPOL officers to report such activity is considered just as seriously, and will result in termination. When an officer is terminated for cause, he or she must pay their own airfare home, loses their completion bonus, and is not eligible to participate in any future missions.

Starting last year, the Office to Monitor and Combat Trafficking in Persons began to participate in pre-deployment briefings for U.S. police personnel. The Balkan wars, which dominated the region over the last decade, and the rampant organized crime and corruption which flourished in the absence of a functioning rule of law structure, has enabled traffickers to work largely undeterred by law enforcement and the judiciary. Due to the severe conflicts which dominated reporting on the region much of the last decade, trafficking in East European women to and through the Balkans has been a largely unpublicized tragedy that attracted little public awareness in the United States, apart from those groups devoted to their relief. I believe that educating American police officers assigned abroad—or indeed the American public—about all aspects of the trafficking problem is a simple but fundamental step in banishing ignorance, indifference or even apathy and instilling the fullest possible recognition of the gravity of the problem. Our briefings raise awareness of the problem, which many of our police may not have previously encountered in their law enforcement careers. The Bureau of Democracy, Human Rights and Labor also participates in these briefings and provides information on international human rights standards and norms, as well as the impact of trafficking in persons.

Upon conclusion of these briefings, all CIVPOL candidates sign a DynCorp letter of agreement stating that they understand what trafficking is, pledge not to engage in trafficking, and know they will be dismissed if they violate the agreement.

The briefing procedure has been in place for a year and we are not aware of any incidents that have brought complaints of such activity against U.S. CIVPOL who have deployed since then.

There were, however, several instances of sexual misconduct among officers who deployed prior to the institution of these trafficking briefings. When these instances occurred, the Bureau for International Narcotics and Law Enforcement Affairs followed through with its zero tolerance policy and the individuals were terminated. INL also referred several cases of serious misconduct by U.S. CIVPOL officers to the Justice Department for possible prosecution.

We need further work in the area of prosecution that further work is needed. To date no American civilian police officer has been prosecuted due to lack of jurisdiction of U.S. courts. The Criminal Division at the Department of Justice and the



State Department are looking closely at how to resolve this problem. While we would refer you to the Justice Department for details, I understand that the Criminal Division is currently drafting a proposed amendment to the Military Extraterritorial Jurisdiction Act (MEJA) of 2000 that would extend federal jurisdiction to include all U.S. government employees and contractors who work in a law enforcement capacity abroad. This would enable the Justice Department to prosecute any criminal offenders identified among the U.S. civilian police cadres serving abroad.

The misconduct of the few rather than the honorable work of the many has obviously raised concern about the integrity of the system. It is important to remember that the vast majority of our officers are performing with distinction. At considerable risk to their own lives they have helped restore peace and the rule of law to societies torn apart by violence and to victims left helpless in the aftermath.

In the United Nations, several UN organizations monitor and investigate misconduct by civilian police officers serving abroad. They include the Office of Internal Oversight Services (OIOS) at UN headquarters in New York and internal affairs investigative units within the separate Civilian Police missions.

The mandate of the OIOS is, in fact, broader—to prevent and detect waste, misconduct, abuse, and mismanagement in the operations of the UN. In the case of CIVPOL issues, OIOS normally gets involved only if it seems that the internal affairs units need particular supervision or oversight. If the evidence gleaned from an OIOS investigation of a CIVPOL officer or any other UN employee shows that someone has violated laws or standards of ethical conduct or has been responsible for misconduct, waste, abuse, or mismanagement, OIOS makes recommendations to the concerned program manager, which may include consideration of referral to a national jurisdiction for criminal prosecution and/or to the Office of Human Resources Management for consideration of disciplinary action. We believe that OIOS has become a highly effective oversight body in the UN, helping to instill a culture of accountability and management effectiveness.

The penalty for violating the law or a UN rule or regulation depends upon the severity of the violation. A CIVPOL officer may be reprimanded or repatriated and discharged. Any criminal prosecution is usually the responsibility of the accused officer's own country. In some cases the UN has waived the accused officer's immunity and enabled the host country where the criminal act was committed to bring criminal charges.

The UN Office of Internal Oversight is presently conducting an investigation of serious charges of sexual exploitation of refugees and displaced children in West Africa, that were made during a survey conducted jointly last autumn by the UN High Commissioner for Refugees (UNHCR) and the Save the Children Fund. The assessment mission looked at the issue of sexual exploitation of children in the broadest sense. The team collected some specific allegations against individual local employees of relief agencies.

The survey, made public in February, was conducted in Guinea, Sierra Leone, and Liberia where 1,500 people were interviewed. Sixty-seven local employees of forty-two UN, non-governmental and host government agencies were accused of using their positions to elicit sexual favors from children, primarily adolescent girls. Food, assistance allotments and other refugee benefits were alleged to have been withheld as bribes for sexual favors. Peacekeepers in Sierra Leone were similarly accused. The survey indicated that UNHCR and NGO local hires, rather than international staff, were involved. The Office of Internal Oversight's investigation continues; teams have visited both Guinea and Sierra Leone and conducted extensive follow-up interviews. The team reported its findings and allegations to senior UNHCR officials who immediately involved the UN's investigative services. I understand there will be an investigation in Liberia when security condition permit.

Following the February release of the UNHCR report, the State Department and the Agency for International Development immediately responded, insisting that the UN High Commissioner for Refugees hold a public briefing to declare its findings and immediately suspend those accused pending a thorough investigation. The briefing was held in Geneva on March 1. We demanded that UNHCR take immediate measures to make structural changes to protect refugee victims and prevent any further abuse of children in West Africa or elsewhere in the world. Such changes should include an enforceable code of conduct, better training, better management oversight by all agencies, and a thorough review of staff and programs. We will follow through to ensure this happens.

The UN Mission in Sierra Leone (UNAMSIL) now requires all newly-arrived peacekeepers to take a sensitization program which includes briefing on appropriate sexual conduct by UNHCR and UNAMSIL's human rights office. Official policy is to expel any peacekeeper found to be involved in such activity, fully informing the

sending government of the reason, with a recommendation for disciplinary action. Following the release of the UNHCR/Save the Children report, UNAMSIL instructed all field commanders to remind troops of this code of conduct.

We repeatedly have made clear to both UN headquarters and to individual peacekeeping and relief missions that we expect all allegations of misconduct by UN personnel, particularly involvement in trafficking in women and children, to be thoroughly investigated and full and appropriate disciplinary action taken. We take allegations and reports of abuse of authority and trafficking by individuals assigned to the UN missions around the world very seriously. Even one substantiated claim of peacekeepers' and relief workers' involvement in such activities is one too many. This kind of behavior contradicts the principles on which the United Nations was created.

The identification of those individuals who abuse their positions of trust to take personal or criminal advantage of those entrusted to their care is a continuing struggle. So long as poverty, misery, deprivation and anarchy exist side by side with economic resources committed to their relief by the international community, there will be those employees who will exploit their legal or relief responsibilities for their personal indulgence or monetary gain. Thus we must continue to insist on stringent and exacting safeguards against such abuses, as well as swift and effective corrective action whenever such abuse is uncovered.

This hearing is about trafficking and the UN, but because Israel may come up, I would like to say for the record the Government of Israel has undertaken initiatives to eradicate trafficking. These initiatives include: legislative amendments to improve the treatment of trafficking victims and to provide tools for law enforcement to successfully investigate and arrest traffickers; training for police and prosecutors; improved cooperation with non-governmental organizations; and signing relevant international conventions. In recent meetings, Israel provided data supporting increased efforts to combat trafficking. It appears that all branches of the Israeli government are actively involved in the battle against trafficking in persons and are striving toward increased interagency cooperation.

I would like to close where I began, and that is with our message that we have a policy of zero tolerance. Trafficking of persons is a serious human rights violation that we are working hard, and dedicating resources, to fight. We hope to continue to work with this Subcommittee toward this important goal. Thank you for holding this hearing which provides us with a public forum to emphasize our zero tolerance policy.

Ms. ROS-LEHTINEN. Thank you so much, Madam Ambassador. Given the magnitude of DynCorp's involvement in U.S. government activities—for example, it is the largest U.S. contractor involved in the U.S. antinarcotics effort in Colombia—what types of safeguards specifically and requirements has the department implemented to ensure that no employees and personnel from other U.S. government contractors denigrates, abuses, or violates the rights of women and children in the host country in the deplorable manner that was done in Bosnia?

Ms. ELY-RAPHEL. As I indicated in my testimony, the contracts that DynCorps contractors sign have specific instructions and a specific commitment on the part of those being employed that they will follow all of the restrictions that we have sent out on their behavior in the countries in which they serve. Our zero tolerance policy makes clear that failure of DynCorp to report any immoral, unethical, or illegal activities on the part of any CIVPOL officers who are U.S. officers is grounds for immediate dismissal, and we have acted in accordance with this policy in dismissing those that were working for DynCorp.

Ms. ROS-LEHTINEN. Thank you. I do not know if either gentlemen wanted to add to that. Mr. Gifford?

Mr. GIFFORD. Part of this is to make sure we select the right people, and to do that we have substantially increased our selection criteria and process through our contract with DynCorp for American police. This includes a background investigation process which

confirms their resumes and confirms their current employment and their former employment.

We also develop an independent reference to confirm they are who they say they are. We conduct a financial background check to ensure that they have a clean credit history. We also survey U.S. law enforcement agencies to determine whether or not there have been any convictions. In addition, we conduct a series of psychological testing to confirm that they are the right people for the types of environments that we are referring to. We also conduct medical screening, physical medical screening, which includes drug testing. And in addition to that, we have a physical-fitness requirement that people perform in order to complete all of the requisites for selection.

Ms. ROS-LEHTINEN. And following up on that, those are some of the steps taken to incorporate specific briefings related to sex trafficking and the training programs for participants in the international police program. What is being said in these training programs. What followup is being done, and do you think that these briefings are sufficient to curtail the involvement of U.N. nations in sex trafficking? You mentioned a psychological evaluation and background criminal investigations and security screenings as well.

Mr. GIFFORD. Yes. Individuals, when they are selected preliminarily, are brought to the training facility and are briefed for a period of 5 to 10 days, depending on where they are going, and it is in this process that the Trafficking in Persons Office comes to the facility and provides a briefing regarding the topic. And what we found is often that the individuals receiving this have not received a briefing of this type before. They typically in the U.S. have been briefed on prostitution and prostitution rings, and what we are talking about is trafficking in persons in a totally different context, and this is new to them.

So at the end of this briefing they are given a document to sign which indicates that they have received the briefing, they understand our policy with regard to involvement in trafficking in persons, and they understand the consequences for doing so. And in addition to just being involved in it, our policy extends to those who have heard about others being involved in it, and if that is revealed, then they, too, would be terminated from employment.

Ms. ROS-LEHTINEN. Thank you. The special adviser on trafficking, DuJacque Klein, the U.N. Secretary General Special Representative to Bosnia, said at a press briefing on April 8th of this year that the allegation that the International Police Task Force was involved in trafficking turned out to be untrue. However, it had been involved in the use of young girls' services, including at times without relying on willing participants. That was his quote. When a woman or girl is not a willing participant in the provision of sexual favors, does this not constitute rape, and does engaging in the exploitation of these girls through, at the very least, abuse of power not fall within the purview of the definition of trafficking in the U.N. Trafficking Protocol, and would you not agree that the behavior that the special adviser refers to still demands strong, concrete, punitive action by the U.N., and what efforts has the U.S. government undertaken unilaterally, if we need to, or working with

donor countries and U.N. bodies to hold these traffickers accountable?

Mr. GIFFORD. With regard to U.S. involvement in such activities, in addition to a United Nations internal investigation, we conduct one of our own internally. And we have in Bosnia, as has been mentioned, we have sent six people home for being involved or being involved to the extent that whether it is criminal or not, it is unacceptable, unethical, or inappropriate behavior. This goes further than U.N. investigations. We would agree that the U.N. needs to do more in this regard, and we have encouraged the U.N., both in New York and directly with the SRSG, the special representative of the secretary general, in Bosnia to ensure that once investigations are initiated that they are completed.

There has been a practice at the U.N. where individuals who are being investigated have the opportunity to suddenly leave the country, and then the U.N. tends to drop its investigation. We have encouraged them not to do that and have been assured that they are going to proceed on that basis. But for us, we, in addition to the U.N., conduct our own investigations to make sure that we understand what is happening as well.

Ms. ROS-LEHTINEN. Ms. McKinney?

Ms. MCKINNEY. Thank you, Madam Chair. I do not really have any questions for this panel.

Ms. ROS-LEHTINEN. Thank you. Mr. Smith?

Mr. SMITH. I think you may have just said six, but what is the exact number of American police officers who have been repatriated? Secondly, what is the status of criminal charges being leveled against them?

Mr. GIFFORD. In Bosnia there were six. Now, the six have been repatriated for sexual misconduct. We have had a total of 43 in Bosnia that have been sent home, but the six are specifically relating to sexual misconduct cases. Two of them were involved in an informal raid on a brothel in Bosnia. One of them resigned as a result of the raid investigation. Another one we determined to have been involved as a patron, and he was released. We have another one—this individual purchased a woman by, or he referred to it as “rescuing her,” by buying out her contract with an organized crime type. She then lived with him in his apartment for several months. He was terminated.

We had another individual who resigned, and later after he resigned an investigation was conducted about his behavior, and it was determined that he was also involved in purchasing a contract for rescuing a woman. We had another individual who was terminated for sexual harassment, and the last one was terminated for sexual relations with a minor.

With regard to prosecution, we have forwarded these cases to the State Department IG, the inspector general, and of those cases two were determined to be potentially criminal, and they were forwarded to the Department of Justice for further review for possible prosecution. The Department of Justice has determined that the cases were not within jurisdiction and not prosecutable in U.S. courts. We have, in an attempt to address this situation, encouraged the Department of Justice, and the Department of Justice has proceeded to draft legislation which would permit such prosecution

in U.S. courts in the future. That legislation, as I understand it, is being drafted now and is possibly near completion and will also address certain other aspects of sexual behavior overseas that is illegal and unacceptable, particularly with regard to sexual tourism. So perhaps I would refer you to the Department of Justice for details on that, but that is in process now.

Mr. SMITH. I appreciate that. In the meantime, the two that the State Department had referred as a possible criminal case, is there any attempt being made under Bosnian law to have them held accountable there for a breach of their statutes?

Mr. GIFFORD. This is one of the cases that the United Nations is referring to in its internal investigation, that they have not concluded that this case would be criminal, whereas we have pursued it further than that.

Mr. SMITH. My question is focused on Bosnia itself. Under their nascent judicial system, do they have a statute? Do they have a law under which they could be prosecuted?

Mr. GIFFORD. The case has not been brought forward in Bosnian courts, and I cannot answer the question as to whether or not they would have appropriate statutes to deal with it. I do not believe they do.

Mr. SMITH. Is this something that could be looked into in terms of a referral to Sarajevo to find out whether or not they would accept and, if necessary, in some way try to get those individuals—to account there?

Mr. GIFFORD. Yes.

Mr. SMITH. Otherwise, repatriation here or anywhere else becomes something slightly less than a slap on the wrist. They lose their job, but big deal. They have escaped what should be a major prosecution. Do we know what other countries do when these individuals are repatriated?

Ms. ELY-RAPHEL. There is only one case that I have heard of, and that was an Argentinian who was serving with the U.N. was prosecuted in Argentina. That is the only case.

Mr. SMITH. But on a trafficking or exploitation case similar to what we are talking about?

Ms. ELY-RAPHEL. Yes, yes.

Mr. SMITH. Let me ask with regard to Mr. Johnston and Mr. Lamb, has the department thoroughly debriefed them as to what they know? It is my understanding there are some DynCorp individuals, Americans, who still are in country in Bosnia who have not been told that they must leave their employment? Is that true? Do you know of any?

Mr. GIFFORD. With regard to Mr. Johnston, he did not work on our program. As I understand it, he was an employee of the same contractor, DynCorp. That contractor has a separate contract with the Department of Defense, which is the contract he was working with. So I am not familiar with the details of his case.

Mr. SMITH. Again, not being familiar with care, do you know whether or not he was debriefed by people over at DoD?

Mr. GIFFORD. We in the State Department did not debrief him.

Mr. SMITH. Would that be something you think ought to be done in order to perhaps glean a pattern as to what might be happening here? Several years back (it is related but unrelated) we intervened

on a case dealing with Montenegro, where we had heard that there were women being held. L'Strada, one of the NGOs out of the Ukraine, told the Helsinki Commission, which I chair, that they knew right where these women were. They had been trafficked, but the police were part of the problem and were actually customers and providing protection. We intervened with the Prime Minister who got involved and got those women out. But, it was only after assurances were given that the people showing up to be rescuers in this case were not going to move them on to another dire situation.

What I am suggesting is this: Where we can garner information that has broader application, wouldn't you think it a good idea to collect this information?

Mr. GIFFORD. Certainly.

Mr. SMITH. Okay, is this something you might think of doing? It seems to me this is the tip-of-the-iceberg type of issue. Who would have ever thought that international humanitarian organizations. It would appear that UNHCR did it right, but unfortunately the mission in Bosnia did not go about it right. So I think we need to be constantly compiling "lessons learned."

Mr. GIFFORD. Sure. We will be in touch with Mr. Johnston.

Mr. SMITH. Okay. The Organization for Security Cooperation in Europe, as you probably know, has a code of conduct for its employees. To the best of your knowledge, does the U.N. have a similar strong code of conduct for its employees with regard to trafficking and sexual exploitation?

Ms. ELY-RAPHEL. My understanding is that they are developing a code of conduct right now as a result of the events in West Africa, and they are working on that.

Mr. SMITH. For the record, if you could get back whether or not current Bosnian law was violated by what the IPTF officers engaged in, whether or not they were still in country because then repatriation becomes, as you know, a means of escape rather than facing the music and prosecution. If you could provide that for the record, that would be very helpful.

Ms. ELY-RAPHEL. I would be very happy to.

Mr. SMITH. Thank you, Madam Chair. I yield back.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Smith, and we thank you very much the three panelists for your excellent testimony. We look forward to working with you as this issue continues. Thank you so much.

Ms. ELY-RAPHEL. Thank you.

Ms. ROS-LEHTINEN. I would like to introduce our private panel today, and we begin with the testimony of Martina Vandenberg, an attorney and Researcher on Europe for Human Rights Watch, Women's Rights Division, since 1998. Ms. Vandenberg has conducted two research missions to Bosnia and Herzegovina to investigate the trafficking of women for forced prostitution, discrimination against women in post-conflict Bosnia, and rape as a war crime in Kosovo. She is the primary author of Human Rights Watch's report, *Kosovo: Rape as a Weapon of Ethnic Cleansing*.

Ms. Vandenberg will be followed by two gentlemen whose personal experiences led to the uncovering of what was going on with DynCorp in Bosnia. First, we will hear from Ben Johnston. Upon

leaving the U.S. Army, he began working for DynCorp in aircraft maintenance. While with DynCorp, he uncovered fellow employees' involvement in sex trafficking in Bosnia by either purchasing women and girls as sex slaves or assisting in smuggling them to neighboring countries. His allegations led the U.S. Army's Criminal Investigation Division to conduct an investigation into this matter.

He will be followed by David Lamb, a former Philadelphia police officer who worked as the chief human rights officer for the Tuzla region of Northern Bosnia from April 2000 to 2001. There he carried out investigations into the growing allegations of U.N. policing officials' involvement in the sex slave trade and found enough evidence to justify a full-scale criminal investigation into the matter. However, he and his colleagues found the U.N. leadership reluctant to look into the allegations.

We thank them both for traveling here today and for sharing your personal accounts and testimony.

Lastly, joining us with a videoconference is Ms. Nomi Levenkron, who Ms. McKinney has invited to join this discussion today. She heads up the legal department for the Hotline for Migrant Workers in Israel. While her testimony falls outside the specific scope of this hearing concerning the participation of U.N.-affiliated personnel with trafficking, Ms. Levenkron will be focusing on the problems of trafficking in persons in Israel, and we thank you for joining us. If you will excuse me, unfortunately I have another hearing to attend to, and I have asked Congressman Smith when he returns to chair the remaining portion of our hearing. Thank you very much. Ms. Vandenberg, thank you.

**STATEMENT OF MARTINA VANDENBERG, J.D., EUROPE RESEARCHER, WOMEN'S RIGHTS DIVISION, HUMAN RIGHTS WATCH**

Ms. VANDENBERG. Thank you, Madam Chairperson and Members of the Subcommittee. I would like to begin by thanking you for inviting Human Rights Watch to provide testimony on trafficking of women and girls to Bosnia and Herzegovina for forced prostitution. My name is Martina Vandenberg. I serve as the Europe researcher for Human Rights Watch in the Women's Rights Division, and it is an honor to be here before you today.

My colleagues and I at Human Rights Watch would like to thank you for the attention that you have focused on this very important human rights violation. Trafficking, as you know, flourishes throughout the world, aided by corruption, complicity, and neglect by states. Seeking better lives and opportunities, trafficking victims migrate, only to find themselves trapped in debt bondage, forced labor, and slavery-like conditions.

The United Nations has estimated that approximately 700,000 people are trafficked into forced labor and forced prostitution around the world every year. The United Nations Mission in Bosnia and Herzegovina has estimated that between 750 and 1,000 trafficked women and girls remain trapped in brothels scattered around that country. Nongovernmental organizations, such as Lara, a local antitrafficking group in Bijeljina, Bosnia, and Herzegovina, place the figure at approximately 2,000 or more. Stripped of their passports, sold as chattel, forced to work for little

or no pay whatsoever, these women, many of whom anticipated lucrative job opportunities in Italy and other Western European countries, instead find themselves facing danger and severe human rights violations.

I would like to begin this afternoon by briefly summarizing Human Rights Watch's findings in Bosnia and Herzegovina based on our research missions. I will then turn to the question of the international community's links to trafficking and close with recommendations for alleviating these abuses. My testimony today, the oral statement, is a summary of a longer written statement that I would like to submit now for the record.

Ms. ROS-LEHTINEN. Without objection.

Ms. VANDENBERG. Human Rights Watch began research on trafficking of women and girls into Bosnia and Herzegovina in 1999, interviewing victims in trafficking, U.N. Mission in Bosnia and Herzegovina officials, members of the International Police Task Force, and local officials. The investigations uncovered extensive trafficking into the country, with traffickers luring women from their homes in Moldova, Romania, Ukraine, Russia, Belarus, and Bulgaria with promises of high wages and good jobs. But the traffickers quickly broke these promises, selling the women to bar and nightclub owners for prices ranging from 500 Deutschmarks, approximately \$231, to 5,000 Deutschmarks, approximately \$2,314.

The women's prices quickly became their debts. Owners and employers promised the women and girls that they would receive 50 percent of their earnings after clearing their debt, but this rarely happened in practice. Instead, owners often sold the women to new so-called "employers," saddling them with new debts and ending their hopes of sending money home to parents and children waiting for them.

In one illustrative case, a 22-year-old Ukrainian woman interviewed during a brothel raid told Human Rights Watch,

"I have been in Bosnia for 3 months. I came here to work in a bar. I knew nothing when they took me to Serbia, and I was sold there four times to four different men."

I would like to now move to involvement of local police, a very important part of the trafficking picture in Bosnia and Herzegovina. Trafficking in persons cannot flourish without the cooperation of state officials and law enforcement authorities. In Bosnia, the involvement of local police ranged from visiting brothels as gratis clients to facilitating the trafficking of women into the country. This complicity and corruption on the part of local police officers facilitated and, indeed, exacerbated the human rights violations. Victims spoke of police officers who visited the brothels to partake of free sexual services in exchange for assistance in procuring false documents and tipping owners off to upcoming raids. Some police officers moonlighted as waiters in the brothels. It is important to note that the waiters really serve an enforcement function; they serve as guards. Still others engaged in trafficking directly.

For the most part, the police engaged in these activities with complete impunity, and today, even as we sit here today in Washington, DC, that corruption continues unabated.



I would like to now move to the international community's involvement. In July 2001, the United Nations mission created the Special Trafficking Operations Program, known as STOP, to fight trafficking more aggressively. Since that time, the mixed International Police Task Force and local police teams have conducted over 270 raids of nightclubs and brothels and interviewed approximately 800 women.

Despite these excellent steps, however, the human rights violations persist. In Bosnia, Human Rights Watch's researchers scoured internal investigative International Police Task Force reports, conducted interviews with IPTF monitors, and reviewed verbatim transcripts of testimony given to IPTF by trafficking victims. These sources all pointed to one conclusion: that IPTF monitors visited the brothels as clients or arranged to have trafficked women delivered to their residence in violation of their own code of conduct. Most striking, however, was the evidence that at least three International Police Task Force monitors purchased women and their passports from traffickers and brothel owners.

Human Rights Watch takes no position on prostitution. However, IPTF officers, who through their work and training knew or should have known that the brothels contained trafficked women, violated the United Nations and the U.S. zero tolerance policy by even visiting the brothels at all. More importantly, according to NGOs in the field working with victims, the very presence of IPTF monitors in the clubs as clients discouraged trafficked women from seeking safe haven in those same IPTF stations.

In November 2000, IPTF monitors conducted raids of three nightclubs—Crazy Horse I, Crazy Horse II, and Masquerade—in Prijedor. The raids, which freed 34 women trafficked into those three brothels, resulted in the repatriation of six IPTF monitors—two Americans, two Spaniards, and two British nationals. The official reason for the disciplinary measures was exceeding the mandate of the International Police Task Force. However, one U.N. official in the Bosnian mission with extensive knowledge of the case and who interviewed the women himself told Human Rights Watch, the Stabilization Force, known as SFOR, and IPTF brought the girls to Sarajevo, and then the girls pointed out that the guys driving them had been their clients. In all, according to verbatim statements obtained by Human Rights Watch, five of the trafficking victims asserted that IPTF monitors had numbered among their clients.

The fact that officers who had used the sexual services of the nightclubs transported the women to Sarajevo created an opportunity for witness tampering. The internal report on the investigation, examined in full by Human Rights Watch, quoted one of the trafficked women as saying,

“The IPTF officer from Spain told me that this was my last chance for me to go home back to my country and to tell all the truth but not too much or anything about our relations.”

Allegations of purchase of trafficked women have also been raised in relation to the U.S. military contractors providing support services to the U.S. contingent of the Stabilization Force. I think Mr. Johnston will address those questions in his testimony.

It is important to note that the majority of those involved in trafficking in Bosnia and Herzegovina are civilians, local crime figures, and local government officials. Nevertheless, IPTF officers and SFOR contractors share one major characteristic, and that is impunity. United Nations Bosnia mission officials have admitted that repatriation serves as the only punishment for involvement in trafficking-related misconduct, punishment that Congressman Smith has rightly referred to as a slap on the wrist. The officials could not point to any cases where the U.N. secretary general had waived immunity, nor could they point to any prosecutions in home countries.

In February, the United Nations reported that 12 international police officers in Bosnia were expelled or voluntarily left the country after facing allegations of involvement in trafficking. The newest statement put out by the U.N. for this meeting today indicates that that number is 18. The U.N. Office of Internal Oversight Services has investigated and cleared the IPTF of wrongdoing, issuing a statement in February of this year that there was "no evidence of widespread or systematic involvement" in trafficking by the U.N. police force.

But unfortunately the U.N. statement attacks a straw man. No one had claimed that IPTF involvement was broad based. The concern not addressed was that IPTF monitors who violate the law enjoy complete impunity. They cannot be prosecuted in Bosnia and Herzegovina under the terms of the Dayton Agreement, nor are they likely to face liability under the criminal laws of their home countries. For American IPTF monitors implicated in trafficking, because of a gap in U.S. jurisdiction, U.S. courts cannot prosecute them when they return to the United States. Civilian contractors to the U.S. military could similarly evade prosecution in Bosnia and Herzegovina. However, the passage of the Military Extraterritorial Jurisdiction Act, MEJA, in November of 2000 remedied the jurisdictional gap, permitting prosecutions to be brought in the United States for criminal acts committed abroad by civilian contractors for the U.S. military.

But unfortunately multiple FOIA requests to the U.S. government have not unearthed even one prosecution for crimes relating to trafficking committed by Americans while serving abroad. This de facto blanket immunity enjoyed by IPTF officers and civilian contractors also troubled local officials struggling to establish the rule of law in post-conflict Bosnia and Herzegovina. Local police, prosecutors, and judges in Bosnia told Human Rights Watch that they themselves lacked jurisdiction to investigate or prosecute any of these cases and, indeed, hoped that the United States would prosecute their own.

In light of these concerns, Human Rights Watch makes the following recommendations to the U.S. government. This is a partial list. The full list of recommendations is available in my written testimony. First, the U.S. government should explore legislative changes to allow for the prosecution of U.S. citizens serving as international police monitors in U.N. missions. Such legislation should be tailored to end this jurisdictional gap that currently allows such persons to avoid prosecution for trafficking-related crimes committed abroad.

Second, the U.S. government should investigate thoroughly all allegations of SFOR contractors and U.S. IPTF officers involved in trafficking, the purchase of women or girls and their passports, or witness tampering.

And finally, the U.S. government should ensure that the records of all investigations are delivered to the Department of Justice and the Department of State. It should also ensure that Federal prosecutors receive all records necessary to bring those charges against U.S. contractors or IPTF found to have engaged in trafficking or other illegal activities related to trafficking in persons.

Again, I thank you for your attention to this important issue.

[The prepared statement of Ms. Vandenberg follows:]

PREPARED STATEMENT OF MARTINA VANDENBERG, J.D., EUROPE RESEARCHER,  
WOMEN'S RIGHTS DIVISION, HUMAN RIGHTS WATCH

Madame Chairperson and Members of the Subcommittee,

Thank you for inviting Human Rights Watch to provide testimony on trafficking of women and girls to Bosnia and Herzegovina for forced prostitution. My name is Martina Vandenberg and I serve as the Europe Researcher for the Women's Rights Division of Human Rights Watch. It is an honor to testify before you today. My colleagues and I at Human Rights Watch thank you for the attention that you have focused on these important human rights violations.

Human Rights Watch has documented and monitored trafficking for almost a decade, publishing reports on trafficking of women and girls from Burma to Thailand, Nepal to India, Bangladesh to Pakistan, Thailand to Japan, and from Eastern Europe into Greece.

Trafficking flourishes throughout the world, aided by corruption, complicity, and neglect by states. Seeking better lives and opportunities, trafficking victims migrate only to find themselves trapped in debt bondage, forced labor, and slavery-like conditions. The United Nations has estimated that as many as 700,000 people are trafficked into forced labor and forced prostitution around the world each year. The United Nations Mission in Bosnia and Herzegovina has estimated that between 750 and 1,000 trafficked women and girls remain trapped in brothels scattered around the country. Non-governmental organizations, such as Lara, an anti-trafficking group in Bijeljina, Bosnia and Herzegovina, place the figure at 2,000 or more. Stripped of their passports, sold as chattel, and forced to work for little or no pay, these women, many of whom anticipated lucrative job opportunities in Italy and other western European countries, instead face danger and human rights abuses.

In researching trafficking, Human Rights Watch has relied since December 2000 on the definition of trafficking enunciated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol). In Article 3(a), the Protocol defines trafficking in persons as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Trafficking Protocol encourages states to provide human rights protections for victims of trafficking, including temporary residence, legal assistance, appropriate shelter, psychological and medical care. The protocol, like the U.S. Trafficking Victims Protection Act, covers all forms of trafficking, not just trafficking into the sex industry. To date, 104 countries have signed the protocol and six have ratified. The government of Bosnia signed the Trafficking Protocol and has committed to ratifying it.

I'd like to begin this afternoon by briefly summarizing our findings in Bosnia and Herzegovina. I will then turn to the question of the international community's links with trafficking and close with recommendations for alleviating these abuses.

*Trafficking of Women and Girls to Bosnia and Herzegovina for Forced Prostitution*

Human Rights Watch began researching the trafficking of women and girls into Bosnia and Herzegovina in 1999, interviewing victims of trafficking, U.N. Mission in Bosnia and Herzegovina officials, members of the International Police Task Force (international unarmed police monitors serving with the U.N. mission under Annex 11 of the Dayton Agreement), and local officials. The investigations uncovered extensive trafficking into the country, with traffickers luring women from their homes in Moldova, Romania, Ukraine, Russia, Belarus, and Bulgaria with promises of high wages and good jobs. Traffickers quickly broke those promises, selling the women to bar and nightclub owners for prices ranging from 500 Deutschmarks (US\$231)<sup>1</sup> to 5,000 Deutschmarks (US\$2,314). In many cases, these transactions took place in Belgrade, the capital of the neighboring Federal Republic of Yugoslavia; from there traffickers or owners transported the women and girls to Bosnia and Herzegovina.

The women's prices became their debts. Owners and employers promised the women and girls that they would receive 50 percent of their earnings after clearing their debt; this rarely happened in practice. Instead, owners often sold women to new "employers," saddling them with new debts and ending their hopes of sending money to parents and children at home.

In one illustrative case, a twenty-two year old Ukrainian woman interviewed during a brothel raid told Human Rights Watch, "I have been in Bosnia for three months [since December 1998]. I came to work here in a bar. I knew nothing when they took me to Serbia—I was sold there four times to different men."<sup>2</sup>

While some of the women agreed to migrate and work in the sex industry, none of them anticipated that they would be sold, forced to work without payment, and abused. Human Rights Watch obtained the verbatim transcript of one woman trafficked into Prijedor, Republika Srpska of Bosnia and Herzegovina in 2000. She told International Police Task Force investigators:

The girls were obliged to dance, drink a lot and go into their rooms with anyone. All girls were working three months for free. We were eating once per day and sleeping 5–6 hours per day. If we would not do what they [the owners and guards] wanted us to do, the security guards would beat us.<sup>3</sup>

Some bar owners allowed women to keep their tips. But in many cases, the owners simply levied fines that sucked even those small earnings away from the women. Through fines, forced purchases of lingerie and food, or outright theft, the women found that they effectively earned no money. One woman, D.D., trafficked to Bosnia from Ukraine in 1998 told Human Rights Watch, "I did not earn anything. I earned money at the [first bar that I worked in], but [the owner] fined me for any small infraction and took 300 Deutschmarks (US\$138) that I had saved away from me."<sup>4</sup>

In 1999, the International Organization for Migration (IOM), an intergovernmental organization, initiated a program to provide shelter and voluntary repatriation to trafficking victims trapped in Bosnia. The women accepted into the IOM voluntary repatriation program receive shelter in Bosnia, assistance with procuring travel documents, plane tickets, escorts at transit airports, overnight shelter upon arrival at their country of origin, and train or bus tickets home.

*Involvement of Local Police*

Trafficking of persons cannot flourish without the cooperation of state officials and law enforcement authorities. In Bosnia, involvement of local police ranged from visiting brothels as "gratis" clients to facilitating the trafficking of women in the country. This complicity and corruption on the part of local police officers facilitated and exacerbated these human rights abuses. Victims spoke of police officers who visited the brothels to partake of free sexual services in exchange for assistance in procuring false documents and tipping off owners to upcoming raids. Some police officers moonlighted as waiters in the brothels. Still others engaged in trafficking directly.

For the most part, the police engaged in these activities with complete impunity. As of April 2002, according to a letter from the United Nations Headquarters in New York to Human Rights Watch, only six local police officers faced de-authorization (removal) as a result of UNMIBH investigations. In one case a police officer received a prison sentence of one year and three months for trafficking women from Belgrade into Banja Luka. Unfortunately, the paucity of successful criminal inves-

<sup>1</sup> Throughout the report, the exchange rate for Deutschmarks to the U.S. dollar used is 2.16, the rate as of October 21, 2001.

<sup>2</sup> Human Rights Watch interview, B.B., Orasje, March 22, 1999.

<sup>3</sup> Official IPTF interview transcript, Prijedor #3, November 22, 2000.

<sup>4</sup> Human Rights Watch interview, D.D., Orasje, March 22, 1999.

tigations and disciplinary proceedings against local police underscored the record of failure in this area.

*The International Community and Trafficking*

In July 2001, the United Nations created the Special Trafficking Operations Program (STOP) to fight trafficking more aggressively. Since July 2001, the mixed International Police Task Force and local police teams have conducted over 270 raids and interviewed over 800 women. Those women and girls identified as trafficking victims are referred to the International Organization for Migration for assistance. IOM assisted 14 women in 1999, 199 in 2000, and over 200 in 2001 with shelter, medical care, and voluntary repatriation to their countries of origin. Local non-governmental organizations, such as Lara in Bijeljina, have provided shelter and assistance to victims with funding from international sources.

While these interventions by the international community have served a positive role in combating trafficking, other activities have only exacerbated this human rights abuse. I believe that others testifying today will give more information on specific allegations concerning the international community and trafficking, but I would like to give an overview of Human Rights Watch's own conclusions.

Our researchers scoured internal investigative International Police Task Force (IPTF) reports, conducted interviews with IPTF monitors, and reviewed verbatim transcripts of testimony given to IPTF by trafficking victims. These sources all pointed to one conclusion ( that IPTF monitors visited the brothels or arranged to have trafficked women delivered to their residences in violation of their code of conduct. Most striking, however, was the evidence that at least three IPTF monitors purchased women and their passports from traffickers and brothel owners.

Human Rights Watch takes no position on prostitution. However, IPTF officers, who through their work and training knew or should have known that the brothels contained trafficked women, violated the United Nations "zero tolerance" policy by even visiting the brothels. More importantly, according to NGOs in the field working with victims, the presence of IPTF monitors in the clubs as clients discouraged women from seeking safe haven in IPTF stations.

In at least one case, an IPTF officer who purchased a woman maintained that he had done so in order to "rescue" her. But, like his colleagues, he should have known that this is not the proper procedure for a police officer to free someone from captivity. The "rescues" thwart efforts to enforce the law and remain factually questionable. From the perspective of the victim, she may have traded one owner for another.

In November 2000, International Police Task Force monitors conducted raids of three nightclubs—Crazy Horse I, Crazy Horse II, and Masquerade ( in Prijedor. The raids, which freed 34 women trafficked into these three brothels in that city, resulted in the repatriation of six IPTF officers—two Americans, two Spaniards, and two British nationals. The official reason given for the disciplinary measures was "exceeding the mandate" of the IPTF—a reflection of accusations that the monitors had conducted the raids themselves, rather than supervising the actions of local police officers as required under the IPTF mandate. However, one United Nations official in the Bosnia Mission with extensive knowledge of the case and who interviewed the women told Human Rights Watch, "SFOR [the NATO Stabilization Force] and IPTF brought the girls to Sarajevo, and then the girls pointed out that the guys driving them had been their clients."<sup>5</sup> In all, according to verbatim statements obtained by Human Rights Watch, five of the trafficking victims asserted that IPTF monitors had numbered among their clients.

The fact that officers who had used the sexual services at the nightclubs transported the women to Sarajevo created an opportunity for witness tampering. The internal report on the investigation, examined in full by Human Rights Watch, quoted one of the trafficked women as saying, "[The IPTF officer from Spain] told me that this was the last chance for me to go back to my country and to tell all the truth but not too much or anything about our relations."<sup>6</sup>

Allegations of purchase of trafficked women have also been raised in relation to U.S. military contractors providing support services to the U.S. contingent of the Stabilization Force (SFOR). In 1999, the direct employer of these contractors, DynCorp, repatriated a group of contractors after allegations emerged that the men

<sup>5</sup> Human Rights Watch interview, UNMIBH official [name withheld], Sarajevo, April 9, 2001.

<sup>6</sup> Internal IPTF Report on Prijedor case, examined by Human Rights Watch investigators, Sarajevo, April 9, 2001.

had purchased women from the brothels.<sup>7</sup> And again in 2000, two DynCorp contractors returned home after the U.S. Army Criminal Investigation Division learned of allegations of the purchase of women and weapons from local brothel owners.<sup>8</sup>

#### *A Record of Impunity*

Although immense attention has focused on the international community's involvement in trafficking in Bosnia, it is important to note that the majority of those involved are civilians, local crime figures, and local governmental officials. Nevertheless, IPTF officers and SFOR contractors share one major characteristic: impunity. United Nations Bosnia Mission officials admitted that repatriation served as the only punishment for involvement in trafficking-related misconduct. They could not point to any cases where the U.N. secretary-general had waived immunity, nor could they point to any prosecutions in home countries. In February, the United Nations reported that twelve international police officers in Bosnia were expelled or voluntarily left the country after facing allegations of involvement in trafficking. The U.N. Office of Internal Oversight Services (OIOS) has investigated and cleared the IPTF of wrongdoing, issuing a statement in February this year that there was "no evidence of widespread or systematic involvement" in trafficking by the U.N. police force.

The U.N. statement was attacking a straw man; no one had claimed that IPTF involvement was broad-based. The concern not addressed was that IPTF monitors who violate the law enjoy complete impunity: they cannot be prosecuted in Bosnia and Herzegovina under the terms of the 1996 Dayton Agreement nor are they likely to face liability under the criminal laws of their home country. For American IPTF monitors implicated in trafficking, because of a gap in U.S. jurisdiction, U.S. courts lack jurisdiction to prosecute them when they return to the United States. Civilian contractors to the U.S. military could similarly evade prosecution in Bosnia and Herzegovina. However, the passage of the Military Extraterritorial Jurisdiction Act (MEJA) in November 2000 remedied the jurisdictional gap, permitting prosecutions to be brought in the U.S. for criminal acts committed abroad by civilian contractors to the U.S. military.

But multiple FOIA requests to the U.S. government have not unearthed even one prosecution for crimes relating to trafficking committed by Americans while serving abroad. The de facto blanket immunity enjoyed by IPTF officers and civilian contractors also troubled local officials struggling to establish the rule of law in post-conflict Bosnia and Herzegovina. Local police, prosecutors, and judges told Human Rights Watch that they lacked jurisdiction to investigate or prosecute any of these cases.

In light of these concerns, Human Rights Watch makes the following recommendations to the U.S. Government:

- Explore legislative changes to allow for the prosecution of U.S. citizens serving as international police monitors in U.N. missions. Such legislation should be tailored to end the jurisdictional gap that currently allows such persons to avoid prosecution for trafficking-related crimes committed abroad.
- Investigate thoroughly all allegations of SFOR contractors and U.S. IPTF officers involved in trafficking, the purchase of women or girls and their passports, or witness tampering.
- Investigate thoroughly allegations of physical or sexual abuse of women or girls by SFOR contractors in Bosnia and Herzegovina.
- Ensure that the records of all investigations are delivered to the Department of Justice and the Department of State. Ensure that federal prosecutors receive all records necessary to bring charges against U.S. contractors found to have engaged in trafficking or other illegal activities related to trafficking in persons.
- Prosecute U.S. citizens implicated in participation in trafficking to the fullest extent of the law.
- Allocate funds authorized in the Trafficking Victims Protection Act for use in Bosnia and Herzegovina for anti-trafficking training programs for police and prosecutors, financial support for non-governmental organizations fighting trafficking, and for the establishment of witness protection programs.

<sup>7</sup> Telephone Deposition of Joseph Becker, Ben Johnston v. DynCorp, Inc., District Court of Tarrant County, Texas, February 21, 2001 on file with Human Rights Watch.

<sup>8</sup> United States Army Criminal Investigation Command, "Agents Investigation Report." ROI Number 0075-00-CID597-49891.

- Condemn the Bosnian government's failure to take effective measures to end impunity for trafficking by continuing to classify the country as a tier three nation in the Trafficking in Persons report, required under the Trafficking Victims Protection Act.
- Pressure the United Nations to respond with more transparency on disciplinary proceedings on international personnel accused of involvement in trafficking and trafficking-related crimes.

Thank you.

Ms. ROS-LEHTINEN. Thank you so much for your testimony. Mr. Johnston?

**STATEMENT OF BEN JOHNSTON, FORMER DYNCorp  
EMPLOYEE**

Mr. JOHNSTON. Yes, ma'am. My name is Ben Johnston. I am from Texas, and I am just going to tell a little bit of my story about what exactly happened to me while I was in Bosnia. I heard people speak earlier about the zero balance, you know, zero tolerance for anything going on over there and what is going on now, but I can assure you that the only zero tolerance DynCorp had was anybody that tried to stop them from doing the stuff that they were doing they got rid of because they had zero tolerance for anybody that would stand in their way of slavery.

First of all, I have been doing aviation all my life. I have been fixing aircraft. I was in the military. I got an honorable discharge. I got out of the military. I was making \$25,000 as a noncommissioned officer, and I was so trained that even when I joined the military they did not make me go to any aviation school; I just went to basic training and straight in. I have had the talent all my life. Then I went from \$25,000 a year that I was making for the Army, and DynCorp said, here, come to Bosnia. You can make \$120,000 doing the exact same thing I was doing.

I then went to Bosnia, and I saw that I was one of the less than a handful of the 30 or 40 people there that had an ANP license, which is a Federal license to work on the aircraft. So it concerned me some. And then I started seeing old men or just men with younger girls, and it was very, very obvious because I have had people ask me, how do you know they were below 18? Well, you just know. If a girl looks like a child, like a small boy, then you know she is under age.

Ms. MCKINNEY. Of if it is just an old man who is with a young girl.

Mr. JOHNSTON. Like now, I know of a 50-something-year-old man to this day that is a lead man for DynCorp in Bosnia that has a—she was a teenager just a year or so ago when I was there. He still owns her. He still owns her to this day. And the reason I know that, he lives right across the street from my wife, which my wife is a Bosnian. He lives right across the street from my wife. I have heard people say that they are getting married or he is engaged, and then when my lawyer asked about it, it was what is her father's name? I do not know. How do you spell her last name? I do not know. What date did you set? You know, he does not know. And he told me and others that he paid 10,000 marks for this girl because he bought her while I was in Bosnia, and he still owns her today.

So I do not know what this zero tolerance we were talking about earlier, but I have seen no zero tolerance, and I have not been debriefed or anything else concerning any of these issues from the State Department or anybody else.

There is my supervisor, the biggest guy there with DynCorp, videotaping having sex with these girls, girls saying no, but that guy now, to my knowledge, he is in America doing fine. There was no repercussion for raping the girl. I do not know if because he is in Bosnia Americans do not hold him accountable, we say, oh, that is okay, but when I was there as a soldier, and I was there as a soldier before I was there as a civilian, and I was there with IFOR—it was before SFOR. And while I was there I remember driving down the road, and I would see just the Bosnians raise their hand, and they would be so happy to see us.

And my wife tells me that when we first got to Bosnia that the joy was overwhelming, and then after DynCorp infested it, all the people—because DynCorp lived off post, so they lived in the civilian houses whereas the soldiers did not. So DynCorp employees are living off post and owning these children and these women and girls as slaves. Well, that makes all Americans look bad. I believe DynCorp is the worst diplomats our country could ever want overseas.

I have had the community in Bosnia tell me that they were going to shut the road down going to Comanche Base and Main and stuff because they were just so sick of what Americans were doing to that culture. I had Bosnians that needed the money so bad that they had no money come to me and say, you know, I need the money, but I cannot have my family around that old guy and that child. I just cannot do it. It is so bad defending such a great country, and they just assumed that since the majority of DynCorp was involved in it, they think the majority of Americans do stuff like that, but that is not the case.

And then I went to my peers. I went to my supervisor and said, look, we have got to stop this. I told my supervisor, and he was the site supervisor—I told him I did not want to see the government van parked in front of another brothel. He did nothing. He still parked it there.

Ms. MCKINNEY. A U.S. government van?

Mr. JOHNSTON. Yes. I do not know if they leased it from the government, but it had U.N. big as—on the side of it. It was parked in front of the brothels and whatnot. It was such a boys' club because these guys are making so much money, and the economy—my wife's father was like an engineer in a coal mine, and he made 150 marks a month, which is like 75 dollars, and then these guys are making ten, \$15,000 a month, and they are just polluting the whole society. But I never saw any zero tolerance for anything, never saw any honesty over there.

It was just a big boys' club. We had guys over there that did not know how to fix aircraft. The slogan for DynCorp, hangar talk, as we say, is you need a warm body. There was mechanics over there that would leave washers on top of helicopters, spin up the blades, the washers fly into the blades, destroy the blades worth hundreds of thousands of dollars, throw into buildings, which could have killed somebody. Those guys are still working there.



They fired me, though. They fired me for only—the only reason they fired me was because I told on them, and I broke up their little boys' club. That is the only reason. My performance evaluations are excellent. My work was excellent. I have been in aviation since I was handing up a wrench to my dad since I have been a child. In fact, I still live on an airport. But there is just big, big problems over there. I hear a lot of people saying, oh, we are doing this, and we have zero tolerance for this, and this is like this, but I just do not see it. In the depositions in my case I hear a guy say, "Oh, yeah, I have got my girl, but she was a waitress at the brothel. She was not actually a prostitute," whereas just a year before, in a sworn statement to CID, he said he met her while she was touring Bosnia. And this is a big lead man for DynCorp that still works there right now. He lied on a sworn statement, or he lied in his deposition about this girl that he paid—but he is still there, and she is still there.

So it is just real confusing to me what we are doing. That is really all I have to say unless you all have any questions.

[The prepared statement of Mr. Johnston follows:]

PREPARED STATEMENT OF BEN JOHNSTON, FORMER DYNACORP EMPLOYEE

This is only a very short piece of a very long and arduous time in my life. My name is Benjamin D. Johnston and DynCorp employed me for around one year and a half. I've been asked by congress of the United States of America to relay some of my experience and the knowledge I have regarding the sex slave trade in Bosnia and the unfortunate participation of Americans in that field. During that time, I witnessed some of the most atrocious things I've ever seen. DynCorp was involved in slave trading of young girls as well as a number of fraudulent acts.

The same day I received my Honorable Discharge from the United States Army I started working for DynCorp. I was approached by DynCorp while I was still in the Army and they knew quite well of my excellent military record as well as my talent in aviation. I left Illisheim, Germany for Tuzla, Bosnia where I was to work doing the same thing as I did so well for the military, aircraft maintenance. When I arrived in Bosnia after a short time I noticed some strange behavior from my Co-workers. I would see young girls walking around the town with older guys I worked with. These men would have their hands on these girls as they walk. The longer I stayed in Bosnia the worst these men acted. Finally one day I heard a something to the effect of DynaCorp employee brag that his girl wasn't a day over twelve. I reported this all to the CID of the Army. I also reported the problems to my supervisors and co-workers, but all stayed the same in DynCorp's little Bosnian Boys Club. For going to the CID I was fired, put in protective custody and have had my name thrashed by DynCorp. The military is doing a wonderful job over in Bosnia looking very professional and getting the job done. DynCorp on the other hand gives us an example of the worst diplomats our country could possibly have overseas. The companies van would be outside the whorehouses every night, DynCorp personnel had young children living with them for sex and house chores. Many DynCorp employees would brag of their sex escapades. My own sight supervisor was deeply involved in all of this.

There is no way I can write all of this down for you, there is too much to mention. The United States of America can no longer let these types of actions go unpunished. I believe the military is doing a wonderful job around the world and I hope we can stop companies like DynCorp from giving this great country a bad name.

Mr. SMITH [presiding]. Mr. Johnston, thank you very much. Mr. Lamb, have you proceeded?

Mr. LAMB. No, I have not.

Mr. SMITH. Would you, please? I was out of the room for a moment. Thank you.

**STATEMENT OF DAVID LAMB, FORMER U.N. HUMAN RIGHTS  
INVESTIGATOR IN BOSNIA**

Mr. LAMB. My name is David Lamb. I served in the under IPTF from April 1999 to April of 2001, 2 years. For the first year I was an IPTF station commander in Kisilyak IPTF station near Sarajevo, and for the second year I served as the regional chief human rights officer for Tuzla region, where I commanded the human rights investigations unit for Northeastern Bosnia.

My statement is relatively brief and general, but I will certainly answer any questions regarding specifics of any of the points I bring up or others.

U.N. peacekeepers' participation in the sex slave trade in Bosnia is a significant, widespread problem, resulting from a combination of factors associated with the U.N. peacekeeping operation and conditions in general in the Balkans. More precisely, the sex slave trade in Bosnia largely exists because of the U.N. peacekeeping operation. Without the peacekeeping presence, there would have been little or no forced prostitution in Bosnia.

To understand the reasons for the sex slave trade in Bosnia, you need to look at the social and political conditions that arose during the war in Bosnia, conditions during the U.N. peacekeeping operation regarding the entrenched war-lord system of power in Bosnia, and the lack of a functioning criminal justice system, fundamental characteristics of the U.N. system itself which render the U.N. incapable of policing itself, and the lack of action by the individual governments that are members of the U.N. peacekeeping operation.

Trafficking of women for forced prostitution and the prostitution trade in general are controlled by organized crime war lords, most of whom came to power as aggressive and ruthless military or militia commanders during the war. Their influence covers the entire Balkans region and even into Germany and other countries that have significant populations of war refugees, including the United States. Their organizations are the dominant power in Bosnia, controlling and infiltrating the political and criminal justice systems at all levels. In addition to trafficking in humans, they control the trafficking of weapons, drugs, and general black market goods. The U.N. peacekeeping operation has been ineffective at confronting the organized crime problem in Bosnia, and the Bosnian criminal justice system is still not functional to the level necessary to confront the problem.

Virtually all of the prostitutes in Bosnia are foreigners, mostly from Romania, Ukraine, Moldova, and surrounding countries. They are brought into Bosnia to provide services to a paying clientele, a large component of which is foreign workers and peacekeepers. In Bosnia, the trafficking and forced-prostitution trade is not separate from a "legitimate" prostitution trade; it is all the same operation. Therefore, anyone who is patronizing prostitution in Bosnia is supporting the sex slave trade. This fact is not acknowledged or is disregarded by many U.N. peacekeepers who involve themselves with prostitution in Bosnia. Others knowingly become deeply involved in the sex slave trade in partnership with organized crime.

Information about the sex slave trade in Bosnia and about organized crime in general is relatively new to the U.N. The U.N. has been largely passive and was slow to exercise its authority under

the Dayton Agreement to address the deeply rooted organized crime problem and the failure of the Bosnian criminal justice system to deal with it. Instead, the U.N. tends to practice a policy of "out of sight, out of mind" and paints a facade on the situation. Individual efforts by U.N. investigators to look deeply into the Bosnian underworld and to expose involved U.N. personnel were met with a lack of support at the least and often with an effort to intimidate the investigators into abandoning their investigation.

The U.N. did participate in a relatively successful program, in cooperation with IOM, to repatriate trafficked women who came into U.N. custody. The United Nations Mission in Bosnia and Herzegovina Human Rights Office conducted many successful raids on brothels to rescue captive women and was attempting to prosecute those responsible in the Bosnian criminal justice system. But whenever involvement of U.N. personnel surfaced during these investigations, support from U.N. headquarters stopped. Headquarters went so far as to plan and carry out its own mass raids on brothels without involving or even consulting with the Human Rights Office or experienced investigators and then publicized false information about the results in an effort to deflect criticism without having to effectively investigate the problem.

During investigations by my office into U.N. personnel involvement in women trafficking, my investigators and I experienced an astonishing coverup attempt that seemed to extend to the highest levels of the U.N. headquarters. Investigators found themselves under fire by the subjects of the investigation, and the U.N. headquarters launched formal investigations against the investigators while giving no support to the original investigation, a scenario which was not new to the U.N. Mission in Bosnia and Herzegovina. What could have been a major break into the problem of U.N. involvement in the sex slave problem turned into another closed investigation with limited results and several more good investigators feeling defeated.

Although member governments have no direct role in running the U.N. mission, they do have control over monitoring the activities of their own contingents. For this reason, the U.S. Department of State must share responsibility for the illicit activities of U.S. personnel. The Department of State purposefully distances itself from USIPTF members by hiring DynCorp as the middle man and makes no attempt to know anything about the activities of its IPTF officers who are serving as representatives and Ambassadors of the United States.

While it is true that Bosnia has far larger problems than just the sex slave trade, for the U.N. mission there are no greater problems. Participation by U.N. personnel and the ensuing coverup policy serve to undermine all that the U.N. should stand for, particularly in the minds of the Bosnian people. Illicit activities of U.N. personnel are no secret to the Bosnians, and many of them deem the U.N. to be hypocritical and unworthy of governing them. These same people accept the U.N. presence because the alternative is worse, but nevertheless the U.N. has failed them. Thank you.

[The prepared statement of Mr. Lamb follows:]

PREPARED STATEMENT OF DAVID LAMB, FORMER U.N. HUMAN RIGHTS INVESTIGATOR  
IN BOSNIA

U.N. peacekeepers' participation in the sex slave trade in Bosnia is a significant, widespread problem, resulting from a combination of factors associated with the U.N. peacekeeping operation and conditions in the Balkans. More precisely, the sex slave trade in Bosnia largely exists because of the U.N. peacekeeping operation; without the peacekeeping presence, there would've been little or no forced prostitution in Bosnia.

To understand the reasons for the sex slave trade in Bosnia, you need to look at the social and political conditions that arose in Bosnia during the war, conditions during the UN peacekeeping operation regarding the entrenched war-lord system of power in Bosnia and lack of a functioning criminal justice system, fundamental characteristics of the UN system which render the UN incapable of policing itself, and lack of action by the individual governments that are members of the UN peacekeeping operation.

Trafficking of women for forced prostitution, and the prostitution trade, are controlled by organized crime war-lords, most of whom came to power as aggressive and ruthless military or militia commanders during the war. Their influence covers the entire Balkans region, and into Germany and other countries that have significant populations of war refugees, including the U.S. Their organizations are the dominant power in Bosnia, controlling and infiltrating the political and criminal justice systems at all levels. In addition to trafficking in humans, they control the trafficking of weapons, drugs, and general black-market goods. The UN peacekeeping operation has been ineffective at confronting the organized crime problem in Bosnia, and the Bosnian criminal justice system is still not functional to the level necessary to confront the problem.

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Information about the sex slave trade in Bosnia, and about organized crime in general, is relatively new to the UN. The UN has been largely passive, and was slow to exercise its authority under the Dayton Agreement to address the deeply-rooted organized crime problem and the failure of the Bosnian criminal justice system to deal with it. Instead, the UN tends to practice a policy of "out of sight, out of mind", and paints a facade on the situation. Individual efforts by UN investigators to look deeply into the Bosnian underworld, and to expose involved UN personnel, were met with a lack of support at the least, and often with an effort to intimidate the investigators into abandoning their investigation. The UN did participate in a relatively successful program to repatriate trafficked women who came into UN custody. The UNMIBH Human Rights Office conducted many successful raids on brothels to rescue captive women, and was attempting to prosecute those responsible. But whenever involvement of UN personnel surfaced during investigations, support from UN headquarters stopped. Headquarters went so far as to plan and carry out its own mass raid on brothels, without involving or even consulting with the Human Rights Office or experienced investigators, and then publicized false information about the results, in an effort to deflect criticism without effectively investigating the problem.

During investigations by my office into UN personnel involvement in women trafficking, my investigators and I experienced an astonishing cover-up attempt that seemed to extend to the highest levels of the UN headquarters. Investigators found themselves under fire by the subjects of the investigation, and the UN headquarters launched formal investigations against the investigators while giving no support to the original investigation, a scenario which was not new to the UNMIBH. What could've been a major break into the problem of UN involvement in the sex slave problem turned into another closed investigation with limited results, and several more good investigators defeated.

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tivities of its IPTF officers who are serving as representatives and ambassadors of the United States.

While it's true that Bosnia has far larger problems than just the sex slave trade, for the UN Mission there are no greater problems. Participation by UN personnel, and the ensuing cover-up policy, serve to undermine all that the UN should stand for, particularly in the minds of the Bosnian people. Illicit activities of UN personnel are no secret to the Bosnians, and many of them deem the UN to be hypocritical and unworthy of governing them. These same people accept the UN presence because the alternative is worse, but nevertheless the UN has failed them.

Mr. SMITH. Mr. Lamb, thank you very much for your testimony and you and Mr. Johnston especially for your courage in your willingness to come forward, not just today but previously in this whole ugly process. The word you just used, Mr. Lamb, was "hypocrisy." If there is any organization that ought to be out in front on this, and, at least, it says it in statements and the like, it is the United Nations. This continues to be, I think, a major black mark against them. They seem to have zero tolerance for your inquiries and your whistle blowing as opposed to the atrocities, the rape, that are being committed against women.

When we originally conceived of the idea of this trafficking legislation, and I worked on it for years, and I was joined by many of my colleagues, including Ms. McKinney and others, Sam Gedjenson, who used to be the Ranking Member on this Committee, Sam Brownback, we had a good, broad range of people on all sides of other issues who came to a consensus that trafficking and this modern-day slavery had to be eradicated. We needed zero tolerance for that. When it was finally signed, we thought at least we had some tools. We do have to, I think, look to see what other tools are necessary. Earlier, the Ambassador indicated that there will be some additional legislation coming forward. We look forward to introducing that, along with other ideas that I and others have that we are going to put forward.

But it seems to me that this is a pivotal time. As you pointed out, the slave trade would not exist if there were not peacekeepers in Bosnia. That is a very, very damaging statement to the United Nations and to peacekeeping and especially to the participants who are there.

Let me ask, first of all, Ms. Vandenberg, you did proceed, didn't you? Again, I was out of the room. I am filling in for my good friend, Ileana Ros-Lehtinen. We do have one final witness, and then we will get to questions.

Ms. MCKINNEY. Nomi, we are waiting to hear you.

**STATEMENT OF NOMI LEVENKRON, HEAD OF LEGAL  
DEPARTMENT, HOTLINE FOR MIGRANT WORKERS IN ISRAEL**

Ms. LEVENKRON. Good afternoon. Can you hear me?

Mr. SMITH. Please proceed.

Ms. MCKINNEY. Yes, we hear you.

Ms. LEVENKRON. Before I begin, I would like to express deep thanks to the House Subcommittee on International Operations and Human Rights for taking an interest in the problem of trafficking in women in general and within Israel in specific. As my testimony will illustrate, trafficking in women is a great and complicated issue that cannot be addressed without international attention and international cooperation, neither in Israel nor other

countries involved. Your involvement and concern, therefore, are both deeply appreciated and crucial to the long-term and permanent change that we at the Hotline for Migrant Workers in Israel hope to achieve.

Trafficking in women for the sex industry is a global phenomenon that has been placed on the international agenda in the last decade. During this period, Israel has become one of the states involved in this type of trafficking. Foreign women are continuously being brought into Israel for the ever-growing sex industry here. According to the Israeli police, about 3,000 foreign women are currently being held in Israel for this purpose. Human rights organizations claim that the numbers are much higher.

This flourishing trade in women has until recently been received with indifference by Israeli law enforcement authorities as well as by the Israeli public as if it were merely a minor offense. Additionally, trafficked women have been treated not as victims in need of rescue and support but as criminals. We are pleased to report that a certain measure of trade has taken place since the U.N. State Department's report on trafficking, but those important conversations have yet to bear significant results on the ground.

The following information is based on data collected by volunteers of the hotline in various detention centers and further in-depth interviews conducted so far with prosecution witnesses in prison, police detention, and women that ran away from the brothels and asked for our help. Victims of trafficking are arrested, detained, and deported, with the exclusion of prosecution witnesses. The majority are treated as criminals and kept behind bars. In the past 2 years, approximately 800 victims of trafficking have been deported from Israel. The majority of women came from the former Soviet Union, mainly Ukraine, Russia, and Moldova. Their ages range from 16 to 45, with a median age of 22.

Between March 2001 and March 2002 the women were detained for an average of 11 days in police stations and detention centers before they were transferred to Neve Tirza Prison for Women, where most await deportation. Conditions in the police stations are particularly harsh. Because most trafficked women's documents are either forged or are held by the pimps, detention in the police station also delays the process of acquiring new travel documents. According to Israeli law, every foreigner detained under a deportation warrant must be brought as soon as possible and after not more than 14 days before a judicial review, who may alter the terms of the deportation order and reduce bail.

This law is consistently violated. In a survey conducted among 170 women deported during this period, we found that 42 percent had been detained for over 14 days without being brought before the special detainee courts in specific violation of the law. On average, the women were detained for 16 days before they were brought to the court.

Despite the law of entry to Israel and international conventions, which explicitly state that the women should be separated from regular Israeli criminals, such separation is rarely carried out due to the overcrowding of the prisons and the lack of prison cells.

There is no rehabilitation for the women in prison, despite the fact that they are victims of serious mental and physical trauma.

The women are sometimes deported with no money at all, even if they live hundreds of kilometers from the airport and without suitable clothes for the harsh winter in their countries of origin. There is no medical treatment at police stations in prison. Despite the obvious risk of health problems among women in this state, only if a woman complains of a medical problem will she receive medical attention and even then not immediately. Even prosecution witnesses do not receive the medical care they need.

Until now, dozens of women have been treated by the NGO physicians for human rights. The police have no answer to this problem, apart from taking the women to the prison clinic. Until recently, prosecution witnesses were held in detention until their testimony in court, supposedly because their lives are in danger outside. Following the court's ruling, prosecution witnesses are now held in a hostel. Surprisingly, today no one seems to think that their lives are in danger, judging from the total lack of police protection for witnesses. There have been cases of disappearance of women from the police hostel, but the police ignored those cases, claiming that the women did not want to testify and, therefore, left the hostel of their own will. No investigation was ever made by the police to confirm that this was the case.

Many women dread testifying against their pimps, lest that they be harmed upon returning home where the people who recruited them await their return. Testimonies gathered by volunteers of the hotline reveal that large numbers of women have been threatened by their pimps and traffickers. In a number of cases the women reported that their homes and families had been threatened. To date, not even one victim has been granted even a temporary work permit in Israel, and 25 applications remain unanswered.

The hotline is the only organization in Israel today which helps women who have escaped from their pimps and traffickers and who are afraid to turn to the Israeli police because they do not trust the police or do not wish to testify. No other government agency has taken any action regarding this group of victims.

Until recently, the police completely disregarded this issue. Of late, they have begun to take some limited steps. Policemen conduct passport checks in brothels. As a result of those checks, the women are scared of testifying. They say that the police are only interested in whether they are illegal residents and not whether they are in the brothel of their own free will.

Collaboration between the pimps and the police also exists, whether this is in a passive manner by visiting the brothels as clients or in an active manner, such as being involved in the trade and warning them of police raids. Most of the women are scared of making complaints against the police.

A proposed law on the legal representation of victims of trafficking has passed its preliminary reading, but in practice there is still no state representation for the women. Representation and legal advice to date are provided by volunteers of the hotline or by lawyers who are paid for by the pimps, whose objectives are protecting the interests of the pimps rather than the best interests of the women they represent.

The punishments of trafficking are still very lenient. Despite the fact that the law can call for a maximum punishment of 16 years'

imprisonment, the longest sentence ever given to a trafficker has been 4 years, and this was only in one case. Compensation for women who testify in criminal proceedings is still the exception and not the rule.

Our recommendations are as follows: International cooperation, including information sharing and preventive action; increasing punishment against the pimps and traffickers; increasing the punishment of traffickers in women; creation of a safe shelter and rehabilitation system for victims of trafficking in Israel; establishment of an aid hotline for victims; a witness protection plan; granting of residence and work permits; legal representation in civil and criminal legal proceedings; education and training of legal enforcement agencies and the judicial system; legal modifications and changes in the current law enforcement and punishment policies; cooperation among the various parties working against trafficking in women within Israel; prevention and cessation of corruption among police; classification of victims' names and identities; and raising public awareness.

Concern expressed by the U.S. government has succeeded in bringing the problem of trafficking to the attention of Israeli authorities. In light of the data that we have presented here, we hope that the House will encourage the Israeli government to implement our recommendation so that together we can eradicate the problem of trafficking in women in Israel. Thank you.

[The prepared statement of Ms. Levenkron follows:]

PREPARED STATEMENT OF NOMI LEVENKRON, HEAD OF LEGAL DEPARTMENT, HOTLINE FOR MIGRANT WORKERS IN ISRAEL

HOTLINE FOR MIGRANT WORKERS

*"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt"*—Exodus 22:20

A. INTRODUCTION

Trafficking in women for the sex industry is a global phenomenon that has been placed on the international agenda in the last decade. Correspondingly, Israel began to participate actively in this type of trafficking. While we are not aware of the trafficking of Israeli women abroad, it is a known fact that foreign women are continuously being brought into Israel for the ever-growing sex industry here. According to the Israel Police, about 3000 foreign women are currently being held in Israel for this purpose.<sup>1</sup> Human rights organizations claim that the numbers are much higher.<sup>2</sup>

This flourishing trade in women has, until recently, been received with indifference by Israel's law enforcement authorities, as well as by the Israeli public, as if it were merely a minor offense. In contrast to local indifference, the international community has reproached Israel for the way it handles the problem. In 1998, the UN Human Rights Committee examined Israel's implementation of the International Covenant on Civil and Political Rights and criticized its treatment of the victims of white slavery.<sup>3</sup> In May 2000, Amnesty International published a scathing report on the abuse of women transported from countries of the former Soviet Union for Israel's sex industry.<sup>4</sup> In 2001, the U.S. State Department issued a report listing Israel in the category of countries, along with Bahrain, Qatar and Sudan, among others, that do not meet the minimum standards for the suppression of sex traf-

<sup>1</sup> According to Chief of Police, Shlomo Aharonishky, in a seminar on trafficking in women, which was held by the Ministry of Internal Security on July, 31, 2001.

<sup>2</sup> For example, Prof. Menahem Amir claims, in Israel Women's Network report of 1997, that every year, about 1,000 women are brought into the country illegally.

<sup>3</sup> CCPR/C/79/Add.93 Concluding Observations of the Human Rights Committee—Israel, adopted on 28 July 1998 Parag. 16.

<sup>4</sup> Amnesty International, "Human Rights Abuses Affecting Trafficked Women in Israel's Sex Industry.", May 18, 2000.



ficking.<sup>5</sup> Nor are these countries making any significant efforts to comply with these standards.<sup>6</sup> It is precisely this indifference that has made it so easy—and lucrative!—for the pimps and traffickers.

In this testimony we wish to bring forth information regarding the violations of the law and of human rights in the trafficking of women in Israel, and the attitude of the Israeli authorities towards those involved—victims and perpetrators alike. It is our intention to present an up-to-date picture of the situation, and suggest possible ways of improving it.

#### B. ABOUT “THE HOTLINE FOR MIGRANT WORKERS”

The “Hotline for Migrant Workers” in Israel is a non-partisan, non-profit organization established in August 1998, whose purpose is to protect the rights of migrant workers and of victims of trafficking in women in Israel.

The Hotline is the only NGO permitted to visit deportees in prison on a regular basis and to gather information regarding the circumstances of their arrest and detention. Hotline volunteers visit Neve Tirza Prison for Women twice a week to help victims of trafficking who are held there prior to deportation, and have talked with hundreds of victims. Apart from monitoring the situation in Israel, and working against this crime, the Hotline has become a body, to which women working in brothels turn to for help. In addition, representatives of the Hotline are in continuous contact with policy makers, ministers, Parliament members, and other high ranking government officials. To date, it is the only body in Israel that has appealed to the Supreme Court regarding the trade in women, and received a “friend of the court” status in this field by Aharon Barak, president of the Supreme Court.

Since 1998 the Hotline has been interviewing victims of trafficking in Neve Tirza prison for women and in various detention centers around Israel. On the basis of the experience accumulated over this period, a questionnaire of 164 questions has been developed. It includes a thorough examination of the history of the women from the moment they were ‘recruited’ to the sex industry in Israel, to details of their life in their home country, their family, economic and educational situation, as well as the conditions of their work in Israel, including many details about their daily life, how many days they work a month, hours of work, number of clients, wages, state of health, experiences of violence etc. It ends with details of the authorities relations with them. The questionnaire includes ‘closed’ questions in which there are a number of possible answers to choose from, and ‘open’ questions in which the woman is able to express her views, position, dreams etc.

The interviews are conducted with four groups of women:

1. Detainees in Neve Tirza prison who awaiting deportation.
2. Detainees in other detention centers in Israel who are waiting to be taken to Neve Tirza.
3. Escapees from various brothels who turned to the Hotline for help.
4. Prosecution witnesses who are waiting in a Tel-Aviv hostel to testify.

The following report is based on data pertaining to deported women collected by volunteers of the Hotline in various detention centers, and on 40 in-depth interviews that have been conducted so far.

#### C. ARREST AND DEPORTATION

Victims of trafficking are arrested, detained and deported, with the exclusion of prosecution witnesses. The majority are treated as criminals and kept behind bars.

During the year 2000, 474 foreign women were deported from Israel on the grounds of illegal residence, after having been detained in Neve Tirza Prison.<sup>7</sup> Of this number, 83 percent, i.e., 392 women, were arrested in police raids on brothels. The majority of the women came from former Soviet Union countries, mainly Ukraine, Russia, and Moldova. During the period between March 1, 2001 and March 7, 2002, 494 women were deported through the Neve Tirza prison for women. Of them, at least 384 (78%) had been arrested in brothels, “discrete” apartment and

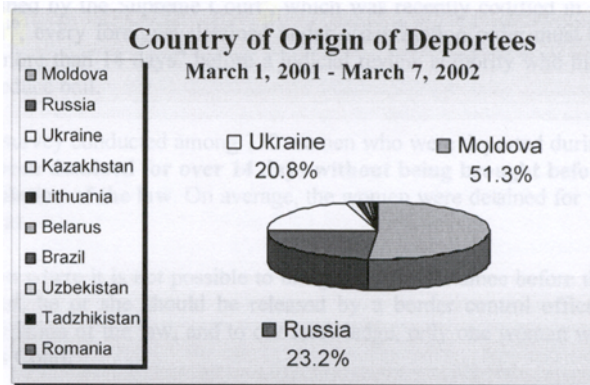
<sup>5</sup> U.S. Department of State, “Victims of Trafficking and Violence Protection Act 2000, Trafficking in Persons Report 2001—Israel (Tier 3)”.

<sup>6</sup> The other countries in this category were: Albania, Bosnia, Burma, Congo, Gabon, Greece, Indonesia, Kazakhstan, Lebanon, Malaysia, Pakistan, Romania, Russia, Saudi Arabia, South Korea, Turkey, United Arab Emirates, and Yugoslavia.

<sup>7</sup> Not all women deported pass through Neve Tirza prison, although most do. Few are deported directly from police detention facilities. The exact number of these women is unknown to the Hotline.

the likes. Again most (95 percent) came from Moldova (51.3%), Russia (23.2%), and Ukraine (20.8%). Their ages ranged from 16 to 45, with a median age of 22.

Country of Origin	Deportees	
	2000	March 1, 01– March 7, 02
Moldova	68	197
Russia	109	89
Ukraine	180	80
Kazakhstan	5	5
Lithuania	7	4
Belarus	6	4
Brazil	0	2
Uzbekistan	7	1
Tadzhikistan	3	1
Romania	0	1
South Africa	1	0
Latvia	4	0
Kyrgyzstan	1	0
Azerbaijan	1	0
Total	392	384



#### D. PROLONGED DETENTION IN POLICE STATIONS

During the period checked,<sup>8</sup> the women were detained for an average of 11 days in police stations and detention centers before they were transferred to Neve Tirza prison. If we compare this number to the average detention time in police stations in the year 2000, which was 8 days, we see that not only was there no improvement in the situation, but the situation has actually worsened.

Conditions in police stations are particularly hard and constitute an additional, unnecessary punishment for victims of trafficking. Because most trafficked women's documents are either forged or are held by the pimps, detention in police stations also delays the process of acquiring new travel documents, a process which usually begins only when they arrive at Neve Tirza prison.

	2000	March 1, 2001– March 7, 2002
Average Days in police stations	8	11
Average Days in Neve Tirza	21	22
Total average days in detention	30	33

<sup>8</sup>March 1, 2001 to March 7, 2002

## E. VIOLATION OF THE LAW OF ENTRY INTO ISRAEL

Moreover, according to a precedent established by the Supreme Court,<sup>9</sup> which was recently codified in an amendment to the Law of Entry into Israel,<sup>10</sup> every foreigner detained under a deportation order must be brought “as soon as possible, and after no more than 14 days” before a judicial review authority who may alter the terms of the deportation order and reduce bail.

This precedent is consistently violated. In a survey conducted among 170 women who were deported during this period,<sup>11</sup> we found that 71 (42%) *had been detained for over 14 days without being brought before the special Detainees Court, in specific violation of the law*. On average, the women were detained for 16 days before they were brought before the court.

Furthermore, the law states that in such cases where it is not possible to bring a foreign detainee before the Detainees Court within 14 days as required, he or she should be released by a border control officer. Nevertheless, this is never done, again in violation of the law, and to our knowledge, only one woman was ever released for this reason by the Detainees Court.

## F. IMPRISONMENT CONDITIONS

Despite the Law of Entry to Israel and international conventions, which explicitly state that the women should be separated from regular Israeli criminals, such separation is rarely carried out due to the over crowding of the prisons and the lack of prison cells. This situation has serious implications, in that some of the Israeli prisoners are drug addicts and there is concern that women, who were victims of the sex trade, and whose mental state is already unstable, may fall into the drug trap as a result of their imprisonment.

There is no rehabilitation for the women in prison, despite the fact that they are victims of serious mental and physical trauma. Professor Julie Zvikel, from the Institute of Research of Women's Health at Beer Sheva University in the Negev, carried out a survey in brothels, which showed that 17% of the women are in a post-traumatic state, 33% of the women show symptoms of depression and 19% are at risk of developing clinical depression. First and foremost it should be ensured, at least, that there will be a social worker who can listen and talk to them.

The women are sometimes deported with no money at all, even if they live hundreds of kilometers from the airport, and without suitable clothes for the harsh winter in their countries of origin. In fact, 183 (46% of the 384 in total) could not even afford to pay for their plane ticket home and it had to be financed by the government. The only humanitarian help which is offered is from the Hotline, which brings them warm clothes and phone cards to the prison, or tries to make contact with people outside that can help them.

## G. MEDICAL TREATMENT

*At Police Stations and in Prisons:* Neither gynecological examinations, nor any other comprehensive medical examination is carried out with the women despite the obvious risk health problems encountered by women in this state. Only if a woman complains of a medical problem will she get a medical check, and even then not immediately.

*Prosecution Witnesses:* These women, who are supposed to be under the custody of the Israeli Police, do not receive any kind of medical care whatsoever.

Until now, dozens of women have been treated in a clinic run by ‘Physicians for Human Rights’, accompanied by a volunteer from the Hotline who visits the hostel at least once a week and takes care of, amongst other things, arranging appointments for the women to see gynecologists, dentists etc. *The police have no answer to this problem. Only rarely (twice, according to our knowledge) have the women been taken to the prison clinic.*

Even in urgent cases, the police are reluctant to help. For example, the police refused to finance medical checks for a woman in her forth month of pregnancy who was suffering from severe pains. Only after it was made clear by the Hotline to the relevant unit, that the woman will be taken to the hospital to be examined, and that the cost of the treatment will be claimed from the Israeli police, did they relent.

<sup>9</sup>Hassan Sessai vs. the Minister of Interior, (decision not yet announced), Supreme Court case 4963/98.

<sup>10</sup>Law of Entry to Israel (Amendment No. 9), 2001.

<sup>11</sup>March 1, 2001 to March 7, 2002

The Hotline made a number of approaches to the Ministry of Internal Security and to the Legal Advisor to the Government with the request that the issue be treated. As of yet, no answer of any sort has been received.

MP Zehava Gal'on, has been promoting legislation which would ensure that the victims of these crimes are entitled to health services without any discrimination. However, the proposed law has not even got through the preliminary reading. In a meeting that was held with the Minister of Health in the Parliamentary Committee headed by Ms. Gal'on, the Minister of Health, Nissim Dahan, stated that the cost of the law to the Ministry of Health would be between 60–70 million a year, and would be a heavy burden on the state's budget.

The Ministry of health, which refuses to provide any medical insurance for the victims, had found the budget to carry out tests in brothels in severe violation of the women's rights: Health authority representatives accompanied by the police, went to brothels with the aim of finding out to what degree these places constitute a danger to public health. 300 women were examined in a manner which violates the law regarding the rights of patients. They were told by the pimps, who had been ordered to do so by the police, to take invasive medical checks such as blood tests and throat scrapes. Volunteers from the Hotline spoke to two women who had been through these tests, who both stated that they had not wanted to have the tests but were made to go through them. One of them was in the later stages of pregnancy at the time of the tests but the representative from the health authority did not pay attention to this or perhaps preferred to ignore it. The same woman was hit hard by her pimp at a date close to the medical examinations, resulting in a premature birth at the end of her sixth month of pregnancy.

#### H. PROSECUTION WITNESSES

Until recently, prosecution witnesses had been held in detention until their testimony in court. Following a Supreme Court ruling prosecution witnesses are now held in a hostel.<sup>12</sup> The common explanation that had been used in the past to explain the so-called need to hold witnesses in detention was that witnesses' lives are in danger outside. Surprisingly no one seems to think that this danger exists today, judging from the total lack of police protection for the witnesses. There have been cases of disappearances of women in hostels, but the police have disregarded these cases claiming the women did not want to testify and therefore left the hostel of their own will. No investigation was ever made by the police to ensure that this was the case.

The legal status of the women during this process depends on a piece of paper that is given to them, in some of the cases by the police unit looking after the case and on which is handwritten to which particular unit the woman 'belongs'. Beyond this they have no legal status whatsoever.

Some police units are not aware of the procedure for moving such prosecution witnesses (or foreign witnesses in general) to hostels. The Hotline recorded eight cases in the past year of women who were imprisoned in order to give testimony and were not released to the hostel.

#### I. VISAS

Many women dread testifying against their pimps lest they be harmed upon returning home, where the people who recruited them await their return. Testimonies gathered by volunteers of the Hotline reveal that large numbers of women had been subjected to threats by their pimps and their traffickers. In a number of cases, the women reported that their homes and families were under surveillance, and their families had been threatened to the effect that it would be in the woman's best interest not to testify. Nevertheless, 25 applications to the Ministry of Interior made by prosecution witnesses to receive some sort of temporary working permits are still waiting to be answered, nearly a year after they were first submitted.

#### J. ESCAPEES

The Hotline is the only organization in Israel today which helps women who have escaped from their pimps and traffickers and who are afraid to turn to the Israeli police because they don't trust them, or do not wish to testify.

So far the Hotline's efforts at approaching the authorities on this matter have resulted in complete failure and every government office has denied any responsibility for this painful issue. The Ministry of Interior is prepared to fund temporary resi-

<sup>12</sup>The State of Israel vs. Veriobkin, applications 91548/00; The State of Israel vs. Nataliya Pinsky, applications 73/00.

dence visas for Kibbutz volunteers but only if the women are cooperating with the police in an investigation. In a telephone conversation that Adv. Levenkron of the Hotline had with Batya Carmon, the Head of the Visas and Foreigners department in the Ministry of the Interior, it was made clear that in her view "the women have nothing to look for here", and particularly women from Eastern Europe as Kibbutz places are reserved for "people from Western Europe, USA, etc".

Hagay Herzal, advisor to the Minister of Internal Security on migrant workers, was contacted with a request to finance one or two additional rooms in the hostel where the prosecution witnesses are housed, for these women. No meaningful answer was received.

Furthermore, according to the policy of the Ministry of Labor and Social Welfare, women in this situation cannot stay in shelters for battered women because this will increase the existing risk to the Israeli women there. It should be made clear that if the women in the various brothels knew that a shelter was waiting for them outside many more would try to escape. However, in today's situation, the number of women who do try to run away is worryingly low. This reflects amongst other things, the inability of the State to offer any solution to this particular problem.

There are the first signs that a shelter is going to be built, but this process is very long and for now there is no solution to the outstanding day to day problems. Furthermore there is a definite sense that this serious problem is being ignored.

#### K. THE POLICE

There is some increase in the concern that the police is giving to this problem, which had been totally disregarded in the past. This is mainly due to the outside pressures such as the publication of a report on the subject by Amnesty International in 2000 and of the US State Department report in 2001.

Policemen carry out passport checks in brothels claiming that this helps to find women who have been kidnapped, following notification from some authority (mainly consulates) about a disappearance. But most of the checks serve the opposite purpose. As a result of the checks the women are scared of testifying. They say that the police are only interested in whether they are illegal residents, and not whether they are in the brothel of their own free will.

Collaboration between the pimps and the police exists, whether this is in a passive manner (by visiting the brothels as clients) or in an active manner (such as being involved in the trade and warning them of police raids). Most of the women are scared of making a complaints against the police.

In May 2001 the Hotline appealed against the Israeli police on behalf of four women. Three of the women stated that the policeman who arrested them had been a client at the brothel one day before their arrest while the policeman who investigated them at the police station had been a client at the brothel that very morning. The fourth woman said that she was scared of testifying because the pimp held close relations with policemen who used to visit the brothel, and that three women who had been detained by the police at the time she was in brothel were returned the same day to the brothel, indicating again in her eyes, police cooperation with the pimp. Even when an investigation was carried out into the matter, after the appeal had been presented by the Hotline, to the best of our knowledge the suspicions relating to police involvement were not investigated.

In another case, a woman from Haifa told us that two clients had come to the brothel, one of them entered her room and began sexual relations with her, and only after his friend knocked on the door and shouted at him to hurry up did the 'client' show her his police identification and tell her he was arresting her. She was then taken to Kishon detention center.

#### L. LEGAL REPRESENTATION FOR VICTIMS OF TRAFFICKING

A move for a law on this subject has passed its preliminary reading, but in the field, there is still no state representation for the women. Representation and legal advice to date is provided by volunteers of the Hotline, or by lawyers who are paid for by the pimps.

One example of the implications of the lack of representation: the Hotline recorded nine cases of women detained in Neve Tirza prison, whose deportation was delayed by lawyers representing the pimps and traffickers so that they would testify as defense witnesses in their trial. The court, who delayed their deportation, did not ask to hear from the women whether they wished to be delayed. As a result, the women were prevented from leaving the country and detained for a very long time in prison. We know for certain that at least three women did not wish to testify as defense witnesses. Following the intervention of Hotline, the detention order was cancelled against one of them and she was able to return to her country. Two other

women were deported after they refused to leave the prison to go to court on the day that they were supposed to testify on behalf of the pimp.

The need for representation also arises in civil cases against pimps, and is especially essential because of the low compensation, if any, that is given to victims in the course of criminal proceedings. (see the following section).

Until now only two women have filed civil suits against their pimps, and even this was through the help of the Hotline. This procedure is very problematic because the state won't give the women visas, a place to stay, medical insurance, etc.

#### M. THE JUDICIAL SYSTEM

Most of the women don't know what exactly happens during the legal process. Nobody informs them who is being put on trial, and whether he is in detention, how many charges are being presented, or against whom. Volunteers from the Hotline invest a great deal of time trying to get answers to these questions, but in most cases their time is spent chasing barristers without receiving any answers.

The punishments are still very lenient. Despite the fact that the law can call for a maximal punishment of 16 years imprisonment, the longest sentence ever to be given to a trafficker has been four years and even that was only in one case. There are particularly shocking cases, for example a policeman who was convicted of collaborating with traffickers, and for buying and selling women, was sentenced to just six months community service (although his crime was committed before the law against trafficking was passed it was still possible to sentence him to several years imprisonment, for the other crimes committed).

Compensation for the women who testify in criminal proceedings is still the exception and not the rule. In a verdict given by Judge Pizan in Haifa, it was clearly ordered that the accused should pay a NIS 40,000 fine to the state, but no compensation payment was ordered for the women, so that "they won't think that they can make money out of coming to Israel illegally". Even when compensation is decided upon it is very small in relation to the profits of the pimps and traffickers.

#### N. RECOMMENDATIONS

##### 1. *International Cooperation*

Trafficking in women is a global phenomenon that can only be eliminated through cooperation with the countries of origin and the countries via which traffickers smuggle the women. Specifically, cooperation is required in the areas of *information-sharing, preventive actions, and collaborative enforcement* particularly in Moldova, Russia and Ukraine—where the majority of the victims come from. Financial aid to these countries, helping to rebuild their economies, creating jobs—especially for women—are all needed in order to decrease the need to seek lucrative jobs overseas. It is also necessary to build secure channels for the women to return to their countries of origin, including protection from any danger to their lives or to repeated abduction and their return to the cycle of trafficking.

##### 2. *Strengthening Police Enforcement Against Pimps and Traffickers*

Although there appears to have been some improvement in this area, enforcement still remains inadequate. It is necessary to create special units which will work exclusively against traffickers of women, investigate complaints that have been filed, and initiate investigations.

##### 3. *Increasing the Punishments of Traffickers in Women*

The judicial authority must be more strict in its use of punishment against pimps and traffickers of women. Judges must treat crimes of trafficking and accompanying criminal activities with the highest degree of seriousness, regardless of whether or not any particular woman may have willingly agreed to take part in the traffic. Plea bargains in which punishment is considerably lower than the punishment determined by law must be rejected.

##### 4. *Creation of a Safe Shelter and a Rehabilitation System for Victims of Trafficking in Israel*

Victims of trafficking undergo traumatic experiences, both physical and psychological, during the period in which they are controlled by traffickers and pimps. Before returning them to their countries of origin, the State of Israel is obligated to provide care for women who escaped from or were arrested in brothels, and to provide them with safe and protected housing during the period of their medical and psychological rehabilitation. Women who have been victims of trafficking must not be held in detention centers, which are completely inappropriate to their needs.

Most women who are victims of trafficking require medical attention during rehabilitation because of the neglect, starvation, and physical abuse they have endured

at the hands of their pimps and clients. The State of Israel should provide them with National Health Insurance covering all required medical treatment—as defined in the Amendment to the National Health Insurance Law formulated by the Parliamentary Inquiry Committee on the Trading in Women—for the period of their residence in Israel.

*5. Establishment of an Aid Hotline for Victims of Trafficking in Women*

A hotline should be established which will provide assistance for victims of trafficking who find themselves imprisoned in brothels or suffering distress, who want to be taken out of detention centers or prisons, or who require any other sort of assistance. Moreover, it is important to provide them with information in their mother tongue concerning their rights and legal status.

*6. Witness Protection Plan*

The State of Israel should develop a Witness Protection Plan for women interested in testifying against their traffickers. It must provide them with a maximum amount of protection and enable them to reside in Israel for at least one year. In special cases (i.e. women whose lives are endangered as a result of their testimony) they should be allowed to remain in the country for an unlimited period.

*7. Granting of Residence and Work Permits*

The authorities should consider granting residence and work permits to victims of trafficking before their return to their countries of origin. This will enable them to complete their rehabilitation and return home with some modicum of economic stability, thus preventing their being dragged back into trafficking.

*8. Legal Representation in Civil and Criminal Legal Proceedings*

Women who are mired in the cycle of trafficking are victims. As such, it is necessary to ensure them of legal representation and the protection of their rights during the period in which they testify against their traffickers and pimps. They should also be assured of legal representation in civil suits against traffickers and pimps.

*9. Education and Training of Legal Enforcement Agencies and the Judicial System*

It is necessary to educate and train employees of the various law enforcement agencies involved in this field so that they understand its unique nature and are ready to deal sensitively with the victims. To this end, it is necessary to raise the level of consciousness within the legal system of the nature and complexity of this problem in Israel.

*10. Legal Modifications and Changes in the Current Law Enforcement and Punishment Policies*

In order to eliminate trafficking in women, the legislative authority must equip the enforcement and judicial authorities with tools to enable them to better confront the problem. They should include:

- A minimum for the sentencing of traffickers and collaborators
- The heightened enforcement of laws against forging and using false identity documents. Forging papers for use in the trafficking of human beings must be treated as one of the gravest violations of the laws against forgery and must be punished by five years imprisonment as prescribed in Paragraph 418 of the Penal Law 1977.
- An amendment to the Penal Law declaring that the possession or management of sites or visits to such sites in which the crime of trafficking is committed constitutes a violation of the law (Ex.: Paragraph 9 of the Dangerous Drugs Act [New Version] 1973). Likewise, it is necessary to enforce para. 10 of the Penal Law which prohibits possessing or renting space for the purposes of prostitution, the punishment for which is imprisonment.
- Utilization of existing mechanisms requiring the forfeiture of property in the framework of criminal and civil proceedings against pimps and traffickers.

*11. Cooperation Among the Various Parties Working Against Traffic in Women within Israel*

In order to eliminate this phenomenon in Israel, intensive and extensive cooperation among the various parties operating in this area, from law enforcement agencies to non-governmental organizations, is necessary. The government of the State of Israel must cooperate with and support the activities of the NGOs working in this area. They have accumulated extensive knowledge and experience and are capable of making a significant contribution to the elimination of trafficking in Israel and to the provision of appropriate and much-needed care to its victims.

*12. Prevention and Cessation of Corruption Among Police*

Police officers must be prohibited from visiting brothels as clients. The activities of police investigative units against officers who cooperate with pimps and traffickers must be expanded.

*13. Classification of Victims' Names and Identities*

It is necessary to ensure that all details concerning the identities of trafficked women are kept completely confidential, that no details are published in any form whatsoever, and that women who provide testimony during criminal proceedings do so behind closed doors.

*14. Raising Public Consciousness*

One of the main reasons for the success of the sex industry in Israel is the apathy of the public towards the phenomenon and its victims. It is imperative that public consciousness be raised through seminars, lectures, and conferences organized jointly by government and non-governmental groups.

Mr. SMITH. Ms. Levenkron, thank you very much for your testimony. Ms. Levenkron is the head of the legal department, the Hotline for Migrant Workers in Israel. And again we thank you, and I am sure that either I or my colleague will have some questions for you.

To begin the questioning, Ms. Vandenberg, in your testimony on page six you point out that the passage of the Military Extraterritorial Jurisdiction Act in November of 2000 remedied the jurisdictional gap, allowing prosecutions to be brought in the U.S. for criminal acts committed abroad by civilian contractors to the U.S. military. Earlier today, you heard the State Department testimony that two cases were referred to the Department of Justice with the recommendation, I presume, that a criminal prosecution follow. Do you have any indication as to why they did not apply the provisions of that legislation to that prosecution?

Ms. VANDENBERG. This is an enormous problem. We are dealing with actually two very different populations with two very different sets of privileges and immunities, one population covered by MEJA and one not covered by MEJA. So it was my understanding that Mr. Gifford testified that it was actually IPTF officers who were U.S. contractors. Those cases were referred to the Department of Justice. Currently, the way MEJA reads, there is absolutely no jurisdiction whatsoever for any crime committed by an International Police Task Force officer.

You had also asked earlier about why these crimes are not prosecuted in Bosnia and Herzegovina. Under the 1995 Dayton Agreement, it is absolutely impossible for the Bosnian government to prosecute any U.S. citizen, any U.N. civilian, any contractor under Bosnian law. The reason for that is because the Dayton Agreement states that the IPTF officers particularly—this is in Annex 11—have immunity under the 1946 Convention on Privileges and Immunities of the United Nations. So in order for them to be able to prosecute this under Bosnian law, the secretary general would have to waive the immunity of the IPTF officer. Now, the deputy SRSG told me in an interview when I was in Bosnia that the SRSG, the secretary general, will probably never waive immunity because they fear that there would be no police officers coming to the mission whatsoever.

Mr. SMITH. What about another approach, and that would be to amend in some way the Dayton Agreement? Is there another approach that could be followed?



Ms. VANDENBERG. I think the system that is currently part of the Dayton Agreement, with the secretary general able to waive immunity, if the secretary general actually did waive immunity, these cases could go to trial in courts in Bosnia and Herzegovina. Unfortunately I do not believe that the Secretary General feels like Member States would actually permit that. Instead the answer has been the U.N. buying into what I would call a myth that once IPTF officers are repatriated to their home countries that disciplinary actions and prosecutions take place in those home countries. It is our understanding that they do not.

Mr. SMITH. Do you know if Secretary General Kofi Annan has been asked?

Ms. VANDENBERG. We have certainly encouraged greater transparency on the part of the United Nations, and we raised this with the deputy SRSG in Bosnia and Herzegovina when we met with him in 2001, and he stated categorically that he doubted that the secretary general would ever waive immunity because they fear that there would not be sufficient numbers of international police officers to serve with the mission. Now that being said, it is my understanding that in one case in Kosovo there was a Kenyan officer, and in that case immunity was waived. It is our understanding that that did occur in one case.

Mr. SMITH. That speaks very poorly of the police officers if they think that the number would deteriorate which would take up this service if that were waived. I will initiate a letter and seek co-signers among my colleagues to Secretary General Kofi Annan asking him to do just that. Hopefully, he will heed our request, but if he does not, I would look forward to see what his response might be. And even if it is a very narrow waiver, if such a thing could be construed, it seems to me that, again, this is completely contrary to good humanitarian and good public policy. It is contrary to our recently enacted law on victims of trafficking. I will also follow up, as will, I am sure, other members of this panel, to see what DOJ and State are recommending in terms of reforming our own law to include rather than to continue the exclusion of certain personnel. But again, the waiver, you think, is the key to this, so I appreciate that recommendation. I will follow up on it and look forward to working with you on that.

Let me ask Mr. Lamb, in your testimony you state how formal investigations were launched by the United Nations against you and your colleagues while ignoring the evidence that you uncovered. What other specific actions were taken to stymie the investigations into trafficking, and as a United States national did you receive any support, tangible assistance, from the United States Government in this effort?

Mr. LAMB. First, if I could make a point about your question to Ms. Vandenberg, my opinion is that lifting immunity for the purposes of prosecution in Bosnia really is not a good idea for several reasons but mainly because the Bosnian criminal justice system simply does not function. They are not capable of prosecuting their own citizens and their own police officers and politicians and judicial officials, et cetera, who are involved in this. And knowing Bosnia as I do, what inevitably would happen is that an American IPTF officer, for instance, who may be involved in patronizing pros-

stitution in Bosnia but had no strong connections with leaders in Bosnia or powerful organized crime leaders would end up being made an example of, and they would have fun doing it, to show how well they are doing, and those involved who had connections with organized crime and/or much worse certainly would not be prosecuted. So there is a real logistical problem there, and I think it is simply not possible that U.S.-style justice would be applied in Bosnia.

Mr. SMITH. Let me ask you a question on that. Even if a new law were to be enacted that would close the loopholes so that prosecutions could take place here, those who have already allegedly committed crimes, would we be able to in some way prosecute those individuals? I would think not. So since a crime has already been committed, how do you hold them accountable for their gross behavior?

Mr. LAMB. Unfortunately, it looks like they got away with it, unless the statute were retroactive, which would be difficult. And even with a law in the U.S. to allow for prosecution another problem that is going to present itself is simply presenting evidence. Who are the investigators that are going to gather the evidence in Bosnia? I can speak from experience that it is not easy to do a criminal investigation in Bosnia. You are working against the system, both the local system and the U.N. system, so it is a difficult task.

On your question to me, first, there was no investigation of myself. An internal investigation was launched against one of my investigators who I had assigned to investigate certain cases of trafficking, and there was also an investigation launched against the internal affairs unit investigator who was working with my investigator. I think they knew better than to try and investigate me directly.

The type of resistance that we met was multifaceted. First of all, we simply did not get support, and the further we pushed, the more resistance we got. My investigator who was working on this was threatened by another IPTF monitor to try and get him to stop the investigation, and the threat was also made against the internal affairs investigator.

Mr. SMITH. A threat of what? What precisely was the threat?

Mr. LAMB. The threat basically was nonspecific, but it was letting him know that, first of all, that they had connections in headquarters and could not be touched and, secondly, that they would be made to pay basically if they continued with the investigation.

My investigator was smart enough in the case of the threats to actually get the person who made them to repeat them another day after he had arranged for people to be listening, and thus he had actual other IPTF officers who were witnesses to the threats. That was all reported officially to the internal affairs unit, and it went to the IPTF chief of staff and the IPTF commissioner's office. That is just an example of the type of thing that was occurring.

And I am also aware of other cases that had happened before this in other regions where human rights investigators who had reported involvement of U.N. IPTF officers with trafficking and prostitution had come under fire and were basically deterred from continuing the investigation. A Swedish woman who was serving as

the acting chief human rights officer for another region, for Doboy region, was herself attacked. Accusations were made against her, and an official investigation opened after she reported many IPTF officers being involved in trafficking at a particular station. In fact, I think the example was mentioned by Martina. And she ended up dropping the investigation and feared retaliation by the U.N. and feared that it would somehow hurt her career back in Sweden when she returned.

That was typical. A lot of the U.N. IPTF officers who experienced these attacks by the U.N. have not come forward and probably will not come forward because they do not want this to follow them back to their careers in their home countries, and it is simply easier to drop it.

Mr. SMITH. Let me ask you, again referring to your testimony that without the peacekeepers there would be no forced prostitution in Bosnia, could you explain the level and type of involvement of U.N. personnel in finding victims, in coordinating purchases, facilitating placement and entry for the women and girls being victimized? Do the U.N. personnel involved in trafficking receive payments from organized crime? What can you tell us about that?

Mr. LAMB. There is actually not a lot of information on that. Some of my investigations were some of the first of their kind in the U.N. mission, and unfortunately investigations of that depth have stopped since I left. So very little is known about what is actually occurring. I could make guesses, but it would be just that. All we know is of the cases that had been reported. The cases that have been reported and dealt with are, I think, probably less than half of the number of IPTF officers that are actually involved, and it could go higher.

The problem is that there really is no sincere effort, no concerted effort, by the U.N. to really investigate this. The investigations my office did were basically on our own initiative. These investigations did not even occur in other IPTF regions and were not initiated by U.N. headquarters. And even in light of all of the public reports that have come out since I left, contact that I still have with people in the mission in Bosnia indicates that there have not been any such investigations since.

Mr. SMITH. Ms. Vandenberg, let me ask you one final question before referring you to my distinguished colleague. The State Department will again be delineating countries as either Tier 1, Tier 2, or Tier 3 pursuant to the trafficking legislation. Last year, I will parenthetically point out, both Israel and Bosnia were Tier 3 countries. If I am hearing correctly, the Dayton Peace Accords prevent the prosecution of our deployed and other nationals deployed as peacekeepers to Bosnia, and at the same time the government, if it passes a law, cannot enforce it. Yet, as Mr. Lamb pointed out, there would be no trafficking, there would be no major prostitution problem, absent or sans the presence of all of these peacekeepers.

So, in a way they are caught in a Catch-22. They could pass all of the good laws that they want, but they cannot enforce them because there is a foreign presence that is causing or at the root cause of this problem. What would be your recommendations as to what we should do? They are likely to remain on Tier 3 based on the evidence that I have seen. How do they possibly get off of that,

because that does put at risk other foreign aid, nonhumanitarian foreign aid, that they may seek and want and need because they continue to be dubbed a major problem when it comes to trafficking, a Tier 3 country?

Ms. VANDENBERG. Let me begin just by saying that the immunity that is included in the Dayton Accord is extremely important, and the immunity itself needs to exist. It prevents attacks on IPTF officers by corrupt law enforcement, to which Mr. Lamb refers. And I agree with him completely in his assessment of the intolerable state of the Bosnian judicial system and the Bosnian law enforcement system.

So I think that what we are talking about here is not an end of immunity but an end to impunity. There is an enormous difference. Ideally, you would see some sort of jurisdiction in the United States so that there could be prosecution of IPTF monitors who violate trafficking law back in the United States, but barring that, at this point the only option available is a waiver of immunity by the secretary general, which is unfortunate and never happens.

In terms of the Bosnian government itself and how it can get off of Tier 3, I would argue that the Bosnian government's placement on Tier 3 has certainly something to do with the presence of the international community in Bosnia but not everything to do with it. And, in fact, the United Nations has pushed the Bosnian government very hard to prosecute local traffickers, who, as I said, are for the most part local organized crime figures and local corrupt law enforcement. The Bosnian government has dropped the ball entirely and has failed to adequately prosecute their own traffickers.

So while the Bosnian government, I think, would like in some cases to focus on the international community and would enjoy focusing on the international community's tendency to serve as a magnet for traffickers, nonetheless I think that the Bosnian government itself has a responsibility to prosecute its own and has shirked that responsibility. It is important to note that even among the customers approximately 70 percent of the customers who go to these nightclubs are Bosnian civilians and Bosnian citizens, and so I do not want to exaggerate the level to which the international community is actually involved in this. The international community certainly is in the brothels. We found evidence that indicated that is the case, but the vast majority of clients in these nightclubs are local citizens.

Mr. SMITH. I appreciate that. That is an excellent answer. Ms. McKinney?

Ms. MCKINNEY. Thank you. I really only have two questions, maybe three. For Ms. Vandenberg, could you tell me what the liability of the United States government is for its contractor to use a U.S. government vehicle to commit a crime?

Ms. VANDENBERG. It is a very difficult question because under Bosnian law simply going to these nightclubs is not necessarily a criminal act. It is not a crime to be a client of a brothel, and, in fact, when you interview the brothel owners, as in some cases I have done, the owners themselves will say that these are nightclubs that specialize in stripping, that the women are paid, and that the women are not trafficked. And so it is very difficult to, I think, put a finger—

Ms. MCKINNEY. Well, if you are going to rely on the people who deny that the activity is taking place, and you have got witnesses who can testify otherwise, then that is not a legitimate response to the question that I have because we are not going to rely on them.

Ms. VANDENBERG. What I am saying, though, is simply being in these nightclubs is not necessarily a crime, neither under U.S. law nor under Bosnian law.

Ms. MCKINNEY. Transporting a trafficked woman?

Ms. VANDENBERG. Transporting a trafficked woman absolutely would be a crime.

Ms. MCKINNEY. And that has happened. Is that correct, Mr. Johnston?

Mr. JOHNSTON. Yes, ma'am. And, in fact, they would even take them on locked-down military installations because the vans will not get searched if you drive them on post because the post is locked down; soldiers cannot leave. What they would do is take their slaves and duck them in the seats, drive on post so they could go to the PX or eat at Burger King or all that.

Ms. MCKINNEY. Okay. Now maybe slavery, according to the United States, was not a crime when it happened with African-American people, but it is certainly a crime now. It is an international crime. So we have got international criminals in the employment of the United States government. Is that not correct?

Ms. VANDENBERG. The evidence that Human Rights Watch found in the field, in doing interviews with international officials and also with trafficked women and then looking at documents that were verbatim transcripts of trafficking victims' testimony, indicates that, as Mr. Johnston said, there are cases where contractors, those employed by DoD under this contract with DynCorp, but also contractors employed by the Department of State under the IPTF contract, there are, indeed, cases where individuals have purchased women for their personal use.

Now, the point that many of these contractors make is that they actually purchase those women in order to rescue them.

Ms. MCKINNEY. Mr. Chairman, don't we need to be doing something more than writing a letter to Kofi Annan?

Mr. SMITH. Absolutely. As a matter of fact, some of the recommendations that Human Rights Watch makes in terms of using the Violence Victims Protection Act and its provisions I think are well taken. As a matter of fact, we are talking about implementing a law that is already on the books, already has an appropriations and, I hope, will get an additional appropriations next year as we go through that cycle. I tried to increase the amount of appropriations last year won in a House floor vote only to have that number whittled down in the House-Senate conference. I think we need to do more rather than less. We are looking at reauthorizing those parts of the bill that will run out at the end of this fiscal year, and I think some of the recommendations we will be receiving today will be very helpful in writing that.

Thirdly, I think, as the State Department witness, Ambassador Ely-Raphel, pointed out, there is legislation that DOJ and the State Department concurrently are working on to significantly tighten up the very significant loophole that does exist.

My thought earlier, if the gentlelady would continue yielding briefly, would be that if Kofi Annan has a waiver authority, obviously it should not be engaged in or utilized frivolously, but where there are cases of sexual misdeeds of the nature of trafficking and exploitation of women, rape, and that was the whole idea behind our legislation, that sexual trafficking is the equivalent of rape. These women are raped daily, and there needs to be a severe penalty for that. It seems to me that if he were wisely and prudently to use that waiver authority in these cases, that would not do injury to the overall protections that perhaps Dayton must necessarily convey.

Ms. MCKINNEY. Mr. Chairman, if the secretary general waives immunity for sexual trafficking, then the question would be asked why didn't he waive immunity for genocide in Rwanda and in Srebrenica.

Mr. SMITH. You and I both raised those issues when we had hearings—

Ms. MCKINNEY. The secretary general himself hides behind immunity when, as you know, in the Carlson Commission report out of 19 of the criticisms of the behavior of the United Nations peace-keeping operating 17 of them go directly to the secretary general himself.

Mr. SMITH. Again, I think you and I are on the same page—

Ms. MCKINNEY. Yes, we are.

Mr. SMITH [continuing]. When it comes to Rwanda. As a matter of fact, we held the hearings into the genocide, just for the purposes of our witnesses, and we actually heard witnesses who talked about the Delaire memo and the fact that there was information significantly before the terrible atrocities that said that this was something that was very possibly going to happen, and unfortunately it was unheeded. We had numerous witnesses give very compelling testimony, including from the Dutch government, some people who were very critical of their own—

Ms. MCKINNEY. An entire Dutch government resigned as a result of what happened in Srebrenica.

Mr. SMITH. That is correct.

Ms. MCKINNEY. No one has yet resigned in the United Nations or the United States. Everybody got promotions, but that is a different matter.

Back to DynCorp. We have got DynCorp in Colombia, we have got DynCorp in Peru, we have got MPRI running all over Africa, and at some point we cannot just talk about DynCorp. We need to talk about these private militaries that are operating in the name of me and you and every American citizen, and yet they are going out there and doing things that are wrong. So, Mr. Chairman, I want to do more than just write a letter to Kofi Annan.

I do have two other points I would like to make. One, Mr. Johnston, you are truly a hero. What has happened to you since you have blown the whistle, and also is there anything that you need us to do to help you?

Mr. JOHNSTON. The day that I blew the whistle, it took several weeks, you know, for me to communicate with CID and drive around and show them what was going on there and this and that, and by that time somehow DynCorp knew. They fired me. They

would not pay my plane tickets home. They would not ship my tools. They just basically abandoned me, would not give me another position in the world of work, just said, get out, you are fired. Then I went home, and I started a cleaning service. My wife is Bosnian, and I cannot go to Bosnia ever again because of the Serbia Mafia and all of that stuff. In fact, I was in protective custody while I was in Bosnia because the word got out, and, you know, it would have been a short game.

So I was in protective custody until the CID could get me and my wife out of the country, and once we got out I knew my wife and I could never go back, which is just terrible for her. So I started a cleaning service, and I have her father, brother. They work on an H2B visa here in America for 10 months, and then they go back, so at least she has an opportunity to see them. It came out in the papers, and it has been everywhere. I have had customers quit, saying it is too dangerous for my company even to be in their house because of all the stuff going on.

I just want the people that are over there, the people that are doing wrong, if they are still doing wrong, and just that someone find out if they are because I am not there yet, and I know when I was there the majority of that company was in the wrong, buying weapons, buying women, buying children, just complete—it was just crazy. I would just like at the end for DynCorp to be accountable, and all companies overseas that just think they can run loose and do what they want, I just think they need to be accountable by our government.

Ms. MCKINNEY. They absolutely do. Thank you, Mr. Johnston.

Mr. JOHNSTON. And I do not think I need to lose my job and my future and everything because they will not do it.

Ms. MCKINNEY. Right. If there is anything I can do, I would certainly like to get your contact details after this, and if there is anything that we can do, I am sure I can speak for the Chairman as well, to help you and your family.

Mr. JOHNSTON. Thank you, ma'am.

Ms. MCKINNEY. And then I would just like to ask of Nomi, our witness who has agreed to—it is probably real late there now. Thank you, Nomi, for agreeing to a televideo conference, your testimony on sexual trafficking in your part of the world. You mentioned briefly about the punishment of the men. Could you tell me a little bit more about how the men who are caught in the trafficking of women how they are treated and the punishment that they receive?

Ms. LEVENKRON. The punishments actually are quite ridiculous. It started in war situations, so today it is kind of an improvement. The law in Israel is new. It started in July 2000. It is written in the law 16 years, but the first punishment was 2 years, and then it got even lower than that. It got to 1 year, 1 year and a half, 6 months, and then we started seeing punishments higher, a little bit higher but not enough. Too many women are deported from Israel without testifying just because no one asked them if they want to testify, and still the women are the victims, and they are being punished, and the traffickers just go along with it.

You can still make a lot of money being a trafficker in Israel, and the danger of getting caught or paying for the things that you have

done are very small actually. I do not think that the sentences given today in Israel are enough to make someone think again if he really wants to continue trafficking in women or maybe to find another job.

But it is also about pimps. Usually pimps do not see prison from the inside. They only get 6 months of public service or something like that. Usually they do not pay compensation for the victims. They are only trying to pay to the state of Israel. So if the women want to start a new page in their home countries, they do not have any options because usually they do not make any money. So that is the situation in this area.

Ms. MCKINNEY. Could you tell me whether or not you think your testimony here today will help the situation with the women who are being trafficked and also help with respect to raising the issue among the Israeli public so that the situation in terms of enforcement and punishment of the men who are participating in this can also be highlighted and increased?

Ms. LEVENKRON. I am afraid this is the only thing that can really help today because Israel until 2000 could not care less if we had the situation going on. It was going on all through the nineties. There was a very severe report of Amnesty that was published in May 2000, and then suddenly in July we were told a new law was coming, and it was very fast. We had the law in Israel within 2 months. And then again, after the State Department report last year, so again you could see lots of action, and the police started arresting people. There was a change but still not enough because when you do things only because someone is standing and saying you must do this, you do not really do it.

But let us put it this way. I think we care more what the U.S. has got to say than we care just about the victims. Actually, they are Russian, Ukraine, Moldova. They are not one of us, so we do not really care about what is going on with them, but if there is public awareness, if someone on the outside is saying something, especially Amnesty or Washington, so I think we listen more carefully.

Ms. MCKINNEY. Thank you, Nomi, for agreeing to testify with us today, and I would like to thank all of the witnesses who have come.

Mr. SMITH. Thank you very much. I want to ask one final question. First of all, Serbia also has a trafficking problem. Obviously, we do not have the same kind of presence there. But recently I, as Chair of the Helsinki Commission, met with President Kostunica and actually thanked him for a crackdown that they embarked upon in the early part of this year closing brothels and arresting traffickers. Hopefully, it is the beginning of a process. They, too, like Bosnia and Israel, are Tier 3 countries. These developments do not get them off the list, but it certainly is a step in the right direction.

There have also been very serious allegations made. It shows that where there is a will, and part of our message to Bosnia today has to be: You need to do much more, significantly more, to go after the traffickers in your own country. Yes, the U.N. has a problem, and the international community has a black eye big time, but you need to do more yourself, especially since, Ms. Vandenberg, I think



you said 70 percent of the clientele are Bosnians themselves. So, a clear message hopefully goes out from this Committee with regards to Bosnia itself and what it can do.

Ms. Vandenberg, could you briefly touch on the situation in Kosovo, where there are significant deployments of U.N. personnel. Is the situation similar? Is it identical or not the same? If you could speak to that, we would appreciate it.

Ms. VANDENBERG. Unfortunately, there is a trafficking problem in Kosovo, and Human Rights Watch was in Kosovo in 1999, just after NATO entered that territory, doing an investigation, and we actually warned the United Nations at that stage that this was a situation absolutely rife for trafficking, that it was certainly just a little bit down the road. Unfortunately, that is truly the case. The difference in Kosovo between the U.N. communities, the international communities, is that the IPTF has a mandate where it can only monitor the local police. It is the local police who actually have the executive mandate.

In Kosovo, the international police are the police. They carry guns. They enforce the law. They are the police. That means that the unfortunate cases that we have seen in Kosovo of U.N. international police involved in trafficking are just that much more serious because they are, indeed, the police. The United Nations actually admitted in a press release several months ago that four U.N. police officers, civilian police officers, were caught and investigated for what they called "trafficking-related activities." Three of those were Americans. One was a Romanian. In one of the American cases this U.S. citizen who was a U.N. civilian police officer allegedly drove women, allegedly in an official U.N. vehicle, from Serbia into Kosovo, carrying trafficked women in this official vehicle allegedly and supplying the women to brothels in Kosovo in exchange for free sexual services and money.

Now, this is a U.N. press release, a U.N. report. Human Rights Watch has not independently investigated this case, but I would say the source on it is pretty legitimate. That is extremely worrisome because, again, even though this particular police officer was repatriated back to the United States, it is our understanding that he faced no criminal prosecution in the United States, even though it is clear that if these allegations are true, he engaged directly in trafficking.

Mr. SMITH. How recent was that report issued? When did these crimes actually take place?

Ms. VANDENBERG. I think the crimes actually took place late last year. I can get a copy of the press statement to you. I will send it to your staff.

Mr. SMITH. I would appreciate that. This is something we need to follow up with our own Department of Justice as to why nothing has happened, or maybe there is something pending. I do not know.

Ms. VANDENBERG. It is, again, my understanding that this case was referred to the Department of Justice, but again, since there is no jurisdiction because there is no U.S. law providing jurisdiction, they were unable to prosecute.

Ms. MCKINNEY. Could you send that information to my office as well?

Ms. VANDENBERG. Absolutely. I will.

Mr. SMITH. Again, in Kosovo there is a police training academy. To the best of your knowledge, is antitrafficking training included among what these police officers are trained in?

Ms. VANDENBERG. To be quite frank, I am not absolutely sure. What I will say is SRSG Kushnair's final act in January of 2000 was actually to promulgate an antitrafficking law. And so there is an antitrafficking law on the books in Kosovo, and I would assume that all of the local personnel being trained as the future police force of Kosovo are being educated also on that law. The law is not bad; it is actually quite progressive, relatively speaking.

Mr. SMITH. Would any of you like to add anything before we end the hearing? Yes, Mr. Lamb?

Mr. LAMB. On the issue of Serbia, I can say that most of the trafficked women coming into Bosnia come through Serbia. In fact, what we called clearinghouses for the trafficked women—when they are first brought from the former Soviet bloc countries—Romania, Ukraine, Moldova, et cetera—they are brought into Serbia, and representatives of the crime heads go to Serbia and pick them up, or they are delivered, but Serbia is the clearinghouse for this whole operation as the first point outside of the women's home country.

Also, from interviews with trafficked women we know that there are operations in Albania and other countries, and from what we heard from some of the trafficked women there fate in Albania was far worse than what would happen to them in Bosnia, and often they were threatened that if they tried to escape or attempted to report their situation, that they would be sent to Albania, and their belief was that they would never be seen again if they were sent to Albania.

On the issue of Kosovo, it gives me reason for grave concern because one of the things that is not politically correct to talk about but is unfortunately a reality is that some of the countries that make up the U.N. IPTF have systemic and cultural-based police corruption in their home countries, and this is an important fact. So in an environment like Kosovo where they are the police it presents far greater opportunity to be involved in organized crime and corruption than in Bosnia. And that is one issue that the U.N. is unwilling to even discuss. Some very high-level commanders of contingents from other countries told me directly that there is even corruption in their home country as far as recruiting for the IPTF, where they have to pay someone to get a spot on the IPTF.

So taking a hard look at the IPTF and the U.N. from ground zero, from its very roots, has to be done if this is to be stopped.

And just lastly, on my point when I made the statement that this trafficking situation would not exist if it were not for the international peacekeeping presence, Martina is correct that if you go to these clubs, 70 percent of the clientele is roughly locals, but it is important to understand that the profits for this activity, and thus the motivation for it, come from that 30 percent that are foreigners. The locals do not contribute the profits for this, and, in fact, most Bosnians have a moral objection to this. You do not see Bosnian prostitutes. No family would ever allow a female in their family to partake in this, and most of the Bosnians are appalled at the conduct of the international community. The Americans

clearly are the leaders in the mission in Bosnia, and I am sure it is the same elsewhere, and we have to meet a higher standard than we are.

Mr. SMITH. Thank you very much, Mr. Lamb. Mr. Johnston, anything you want to add?

Mr. JOHNSTON. No, sir.

Mr. SMITH. I want to thank you all for your very fine and compelling your testimony and for your courage. It certainly helps us on the Committee to do a better job and hopefully the State Department as well and DOJ. We have got much work to do, and we look forward to working with you going forward. I appreciate it. The hearing is adjourned.

[Whereupon, at 5:26 p.m., the Subcommittee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

Jerusalem Post March 22, 2002 p.a5

- >
- > Ludmilla Karmenko, 26, from Tel Aviv, and  
Varid Rabia, 37, from Upper
- > Nazareth, were convicted yesterday by Tel Aviv  
District Court of forcing
- > 30
- > women from the former Soviet Union, some  
underage, to work as prostitutes.
- > The women were brought to Israel from Egypt.
- >
- > The court said the pair treated the women in a  
cruel and degrading manner.
- > They slept four to a mattress on the floor,  
and were humiliated and
- > abused.
- > Some of the women thought they would be  
working in Israel taking care of
- > children and one was told she would work as a  
dancer.
- >
- > Itim (news agency)

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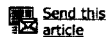
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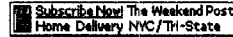
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## White slaver gets stiff sentence

By Nina Gilbert and Itim

TEL AVIV (January 17) - The Tel Aviv District Court, declaring that the punishment for trafficking in women should be more severe than those currently mandated, yesterday sentenced Lod resident Shlomo Shmuelov to four and a half years in prison, after he had been convicted of selling two women into prostitution for NIS 6,500 each.

The court also tacked on a two-and-a-half-year suspended sentence and fined Shmuelov, 39, NIS 20,000. The women had been smuggled into Israel from Moldova via Egypt and forced to work as prostitutes for no money, "to repay their purchase price." They were also subjected to physical abuse.

Judges Natan Amit, Miriam Sokolow, and Tehiya Shapira wrote that harsher sentences should be handed down in order to serve as deterrents in the effort to eradicate "the scourge of trafficking in women in Israel." They also criticized police inaction when it comes to combating this crime.

"We asked the question why law enforcement does not take the appropriate steps to close escort services, [massage parlors,] and the like, as they are euphemistically called, since there is no doubt that they also break the law, and thus there is unequal enforcement of the law. The answer we received is that law enforcement's consensus policy is to turn a blind eye to those establishments that do not constitute a nuisance to neighbors, if the premises are not used for the crimes of trafficking in women or other serious felonies, and if they maintain acceptable standards of non-raucous behavior and hygiene.

"We do not feel that this is an appropriate response from the standpoint of the law," the judges said.

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Reacting to the sentence, MK Zehava Gal-On (Meretz), who heads the Knesset committee of inquiry into trafficking in women, said the court has finally sent a message that "women traffickers will not get off easy."

Gal-On said the committee has thus far determined that the war on trafficking in women is being hampered by lenient court sentences. The committee yesterday discussed the role newspapers play in encouraging this trafficking, since they run advertisements for escort services and massage parlors. Gal-On said there is "no doubt a connection" between the advertising and trafficking.

A State Attorney's Office representative informed the committee that the ads in the format they now appear are illegal. Police said investigations are almost complete against Ma'ariv, Yediot Aharonot and the Schoken chain, although it is too soon to recommend pressing charges against the media outlets.

Ma'ariv CEO Roni Kleinfeld said his paper does not publish illustrated ads, in keeping with its interpretation of the law. The paper's compliance costs it NIS 10 million annually in lost revenue, he said.

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23 April 2002

The Honorable Ileana Ros-Lehtinen  
Chair  
The Honorable Cynthia McKinney  
Ranking Member  
International Operations Subcommittee  
House International Relations Committee  
Washington, DC 20515

Dear Representatives Ros-Lehtinen and McKinney::

Since the International Operations and Human Rights Subcommittee will be holding a hearing tomorrow on the question of trafficking and UN peacekeepers, I thought it would be helpful to provide some information to you and to the Committee on what the United Nations Mission in Bosnia and Herzegovina is doing in regards to trafficking. Enclosed are two background papers provided by the UN Mission which I hope will prove helpful to your Committee in its deliberations. One is a summary of the mission's work on trafficking in Bosnia and the other a fact sheet regarding the UN's "zero tolerance" policy on any IPTF personnel engaging in sexual or other misconduct.

As you know, there are no UN peacekeepers in Bosnia. That mission is being performed by a multi-national NATO led Implementation Force, authorized by the Security Council. The Security Council did establish a UN International Police Task Force, which in 1996 became part of a larger UN Mission in Bosnia and Herzegovina (UNMIBH). UNMIBH works to facilitate the return of refugees and displaced persons, foster peace and security and help build up common state institutions, particularly law and order functions and the police. The IPTF initially had an authorized level of 2057 persons, reduced to 1850 as the UNMIBH was downsized, and currently has about 1600 personnel on duty.

In February, the Undersecretary General for the Office of Internal Oversight Services, Mr. Dileep Nair visited Washington and we asked if the relevant House and Senate Committees could meet with him to review the work of his office. We appreciate that some HIRC staff and that of the relevant Appropriations' subcommittee did meet with him and discussed some of these issues at length. At that time, Mr. Nair noted his office had underway an investigation into the serious charges of sexual exploitation of refugee children in West Africa, uncovered by UNHCR and Save the Children last year. The report which will include recommended remedial actions to improve the safety of children will, we understand, be released as a public General Assembly document, which we will make available immediately to your Committee.

If we can be of any further assistance on this or any other UN matter, please do not hesitate to contact our office.

Sincerely,

Dawn T. Calabia  
Deputy Director

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THE UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA  
BACKGROUND PAPER ON EFFORTS AGAINST HUMAN TRAFFICKING

Submitted to the House International Relations Committee April 23, 2002

*Introduction*

- 1) The UNMIBH is undertaking robust action against trafficking in human beings in accordance with the development of the local police force capacity in Bosnia and Herzegovina (BiH). Since 1999, in close cooperation with other international organizations, UNMIBH has implemented a multi-pronged approach comprising :
- Protection and repatriation of trafficking victims.
  - Monitoring and improving local police capacity and willingness to combat trafficking and organized crime.
  - Applying severe measures against local police complicity in trafficking.
  - Urging and assisting in the criminal prosecution of perpetrators.
  - Undertaking systemic administrative measures to close legal loopholes and tax administrative procedures that assist traffickers.
  - And by maintaining a zero tolerance policy against any involvement in trafficking or prostitution by UNMIBH international personnel.

*Scope of the Trafficking Problem in Bosnia and Herzegovina (BiH):*

- 2) Trafficking routes have become well-established between BiH and other eastern European countries. Weak BiH state-level institutions are unable to coordinate responses to the problem and porous national borders have facilitated the work of traffickers. The trade in human beings is run by well-established local and international organized crime rings, which have flourished because local law enforcement and political officials are either involved in trafficking themselves, or they are unable or unwilling to fight crime rings. The supply of women forced into the prostitution has been fuelled by poor social and economic conditions in eastern Europe, especially Romania, Moldova and the Ukraine. Over 80 percent of the victims assisted by UNMIBH are from Moldova and Romania.

*Combating Trafficking:*

- 3) The primary systemic basis of the trafficking problem lies in the relationship between organized crime, local law enforcement officials and local politicians. UNMIBH has focused efforts on addressing these relationships, which have allowed trafficking to flourish. Under the auspices of the UNMIBH Joint Task Force, UNMIBH gathers intelligence on recruiters, traffickers, smuggling routes, and nightclub owners. The development of the Bosnia and Herzegovina State Border Service, with the assistance of the UNMIBH Border Service Project, further assists in controlling porous borders and gathering intelligence. The deployment of the State Border Service (SBS) has provided the first verifiable figures of the scope of organized criminal illegal migration and by implication, trafficking.

***UNMIBH Actions Against Trafficking:***

- 4) In early 1999, the UNMIBH Human Rights Office was designated to take the lead role within UNMIBH in addressing the serious human rights violations caused by trafficking in human beings. UNMIBH's tasks in this regard are:
- Monitoring local police raids of nightclubs and interviewing the women present to determine if any of them are victims of trafficking.
  - Providing protection to trafficked victims (which includes ensuring that victims are safely repatriated).
  - Monitoring investigations, pressing for prosecutions and gathering intelligence on organized crime.
- 5) UNMIBH has identified more than 289 nightclubs in BiH suspected of involvement in prostitution and has monitored hundreds of raids conducted by local police. In March 2001, UNMIBH initiated the largest ever BiH anti-trafficking police operation (Operation Makro) in which the Entity, Cantonal, Brcko police were involved along with the State Border Service, under the Joint Entity Task Force, and simultaneously raided 38 nightclubs. They interviewed 178 women and girls, of whom 13 admitted to have been trafficked and sought repatriation-assistance.
- 6) The number and scope of such raids has since increased dramatically, and in July 2001 the Special Trafficking Operations Project (STOP) was created to streamline operations with the increased number of IPTF monitors involved in anti-trafficking efforts. Since the creation of STOP, police forces have also appointed local police to combat trafficking and conduct raids of nightclubs. During the last six months over 270 raids were monitored and over 800 women were interviewed. The following is a breakdown of the STOP actions.

**Sarajevo Region**

Number of bars in region	21
Number of raids/inspections	68
Number of women found	126
Number of women/girls assisted	13
Number of convictions against bar-owners traffickers	9

**Bihac Region**

Number of bars	28 (19 in Prijedor)
Number of raids/inspections	15
Number of women found	60
Number of women/girls assisted	8
Number of charges/convictions	5

**Banja Luka**

Number of bars	41
Number of raids/inspections	105
Number of women found	175

Number of women/girls assisted	18
Number of charges/convictions	10 out of which 4 convicted (1 LP)

Tuzla Region

Number of bars	19 in RS. 21 in Fed. (40)
Number of raids/inspections	13
Number of women found	308
Number of women/girls assisted	38
Number of charges/convictions	22 (15 RS. 7 in Fed.)

Mostar Region

Number of bars	15
Number of raids/inspections	27
Number of women found	14
Number of women/girls assisted	2
Number of charges/convictions	1

Doboj Region

Number of bars	30
Number of raids/inspections	8
Number of women found	77
Number of women/girls assisted	10
Number of charges/convictions	1 conviction, 6 pending

Protection of Victims:

7) The number of trafficked victims in BiH is estimated to be approximately 1000. A very rough estimate places the number of women employed in nightclubs throughout BiH at 3,000. Police raids and interview of women by international personnel indicate that about 25 percent of the women found claim to be victims of trafficking, ten percent of whom are minors. On this basis, approximately 750 to a maximum of 1,000 women in BiH are believed to have been trafficked.

8) In March 1999, UNMIBH and the International Organization for Migration (IOM) established a joint counter-trafficking project to rescue and repatriate victims to their countries of origin. Three shelters have been set up: one for housing women until it is determined that they are indeed trafficked, and two others for high and low risk victims. UNMIBH identifies a victim as "high risk" if, for example, the victim has given testimony against her captors, if she has received explicit or implicit threats, or if her captors have particularly violent backgrounds. The victims remain in the shelters until IOM can arrange for them to be repatriated to their home countries. UNMIBH has ensured that local police provide 24-hour security to both shelters, and STOP team members escort victims from the high risk shelter to court, medical appointments and the airport in repatriation.

9) The UNMIBH/IOM project assisted 14 women in 1999, 199 in 2000, and close to 2000 women so far this year. (These figures include most, but not all, trafficked victims since less than five percent of identified victims do not seek IOM assistance.) It is not clear, however, whether the growing number of identified victims is the result of greater incidence of trafficking, or the beginning of effective police operations, or both.

*Investigations and Criminal Prosecutions:*

10) As the number of reported trafficking cases became more frequent after 1999, the High Representative's Office together with officers from the then Judicial Systems Assessment Programme noted that local police did not conduct thorough investigations against nightclub owners and traffickers. In addition to compromising the prosecution of those directly involved in trafficking, local police failed to ensure the safety of trafficked victims, frequently returning women who escaped from their captors to the nightclubs. Local police often arrested trafficked women for prostitution or for the failure to have proper documentation (such as visas or work permits). In addition, trafficked victims were generally subjected to legal proceedings without basic legal rights such as the presence of lawyers or interpreters.

11) This has led to closer UNMIBH monitoring of police investigations and court proceedings. UNMIBH presses local authorities to prosecute those who are directly involved in trafficking, particularly nightclub owners and traffickers. In the context of UNMIBH/IOM project, UNMIBH encourages victims to give statements to the local police, and in monitoring criminal proceeding against nightclub owners ensures that relevant evidence and testimony are made available to investigative judges. However, since most trafficking victims are repatriated to their home countries before trial, the prosecution must rely heavily on their statements. Often times procedural hurdles and the ineffective judicial system impede the use of all evidence.

12) Although local authorities have been generally reluctant to prosecute nightclub owners and traffickers, UNMIBH has noted some progress. Convictions were handed down for the first time in 2000. Out of 63 trafficking cases that year, two of those in the Federation (Zivinice and Sarajevo) and one in the Brcko District (Maoca) were successfully prosecuted with sentences ranging from ten months imprisonment to 20-months imprisonment and a fine of 22,000 DM for restitution to two trafficked victims. This year, the number of convictions grew to five thus far, out of more than 100 trafficking cases. In two of the cases (in Kiseljak in the Federation and in the Brcko District), bar owners were sentenced to several months in jail, while in two cases in Sarajevo a bar manager and owner received jail terms of one and two years (plus a 1,200 DM fine). And in Dobo, a bar owner received a sentence of three years imprisonment. The eight cases involved approximately 40 trafficked victims, some of whom were minors.

13) UNMIBH while encouraged that the number of convictions is growing, is deeply concerned that the punishments remain too lenient. In all of the cases, the defendants were convicted of promoting prostitution, procuring persons for the purpose of prostitution or other trafficking related charges. In only one case (in Sarajevo in

November 2000) was the bar owner convicted of "*Unlawful Deprivation of Freedom*" along with other charges, but the owner received only a ten-month jail sentence. In only two of the cases were traffickers also charged, but none were indicted with the more serious offense of "*Establishing Slavery and Transporting Enslaved People*" (which carries a prison term of one to ten years). Also, though the number of trafficked victims identified in the Republika Srpska and the Federation are almost the same (45 percent and 46 percent of all victims, respectively, 9 percent of victims are in the Brcko District, to date there has only been one successful prosecution in the Republika Srpska (RS).

*Independent Investigations:*

14) UNMIBH has initiated independent investigations into the involvement of local police authorities in trafficking. In the context of the UNMIBH/PTF local police registration process, UNMIBH ensures that local law enforcement officials are de-authorized when independent evidence of involvement in trafficking is found. UNMIBH also presses local authorities to initiate criminal proceedings against such individuals.

15) After an investigation in Bijeljina, RS, UNMIBH pressed for and followed an internal investigation of local police officers that had been identified by trafficking victims as being involved in trafficking. The High Representative's Office found evidence that the Bijeljina Ministry of Interior Department of Foreigners is systematically facilitating trafficking and an internal investigation is ongoing into the level of involvement of Bijeljina police officials. To date, six local police officers have been de-authorized as a result of an investigation conducted by the HRO. Similar investigations and audits of the Department of Foreigners are being undertaken in other key areas in BiH. In addition, the Office of the High Representative is screening and counseling women who are brought to the Department of Foreigners to register for work permits by checking for false passports and conducting interviews of the women to determine whether they are potential trafficking victims.

16) UNMIBH has also advised coordinated and facilitated joint operations including operations with the Ministries of Interior, Health, Trade and Employment and Social Welfare, to have combined inspections of the nightclubs, to verify and prosecute possible violations of local laws- with a view to shutting down the nightclubs when there is evidence of violation of laws and administrative regulations. This approach has been extremely successful in Brcko, where in cooperation with the Departments on Labor, Finance and Commerce, UNMIBH succeeded in closing down all of the bars and motels determined to be engaged in organized trafficking and prostitution on the basis of violations of the labor, taxation, zoning or residence laws. However, nightclub owners may re-open once they have complied with these laws. UNMIBH continues to examine more permanent ways of shutting down such clubs. This includes examining ways to prevent the issuance of work permits to foreign dancers and "waitresses".

## UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA

### THE IPTF AND UNMIBH POLICY ON TRAFFICKING

1. UNMIBH has set forth a 'Zero Tolerance' policy towards sexual or other misconduct by International Police Task Force (IPTF) personnel, ensuring that each instance of allegations of this kind is thoroughly investigated and appropriate disciplinary action taken on substantiated allegations. Furthermore, institutions known for or suspected of promoting prostitution or the trafficking of women are strictly off-limits for all staff except when on official duty while monitoring operations conducted by local police. The UNMIBH *International Police Task Force Standard Operating Procedures* sets out guidelines for the Code of Conduct expected from each police monitor and the procedures to be followed if allegations of improper conduct are made. Each IPTF police monitor, upon arrival to the Mission, is required to participate in an Induction Training Course. This course provides instruction on numerous topics relating to the IPTF Policing Mission, and thoroughly addresses Code of Conduct issues, particularly the UN's 'Zero Tolerance' policy on misconduct.
2. Upon receipt of any information or allegation suggesting the involvement of an IPTF monitor in any criminal activity or breach of the Code of Conduct, an immediate investigation is initiated by the IPTF Discipline and Internal Investigation Section (DIIS) entailing interviews with the individual concerned and other material witnesses. If the allegations have been substantiated and the case warrants repatriation, then the case is submitted to the IPTF Commissioner for a decision. After obtaining approval by the Special Representative of the Secretary General, the case is referred to UN Dept of Peacekeeping for a final decision. The Contingent Commander of the accused monitor is fully informed about the circumstances and outcome of each investigation so that appropriate reporting can be made to respective home countries.
3. Complete case files are submitted to DPKO, which informs the relevant Permanent Mission at the UN. Referral of these cases from DPKO to Member States also ensures that appropriate disciplinary or legal action can be initiated. The UNMIBH remains available to cooperate with a home country once any follow-up queries or investigations are initiated by a Member State country with DPKO in New York.
4. UNMIBH records indicate that there have been 18 cases of IPTF personnel who have been implicated in incidents of sexual misconduct. In each of these cases the monitors were alleged to have breached IPTF Standard Operations Procedure by soliciting sexual services from a place of prostitution. In each case the final outcome was repatriation back to respective home countries and a letter was sent to United Nations Headquarters with the recommendation that the individual monitor in question should not be considered for any future peacekeeping mission.
5. As regards subsequent action taken by sending state, it is up to the country concerned to initiate disciplinary action against the sanctioned police monitor.

NOTE: The following material submitted for the record was not reprinted here but is available in the files of the Committee on International Relations' Subcommittee on International Operations and Human Rights:

- Various 2001 articles from Reuters Limited;
- Report on Joint Trafficking Project of UNMIBH/OHCHR (joint product of the UNMIBH Legal and Human Rights offices and the UN Office of the High Commissioner for Human Rights in BiH);
- Country Report entitled "Combat of Trafficking in Women for the Purpose of Forced Prostitution: Bosnia and Herzegovina," funded by the United States Department of State and published by the Ludwig Boltzmann Institute of Human Rights, Vienna, 2001.

